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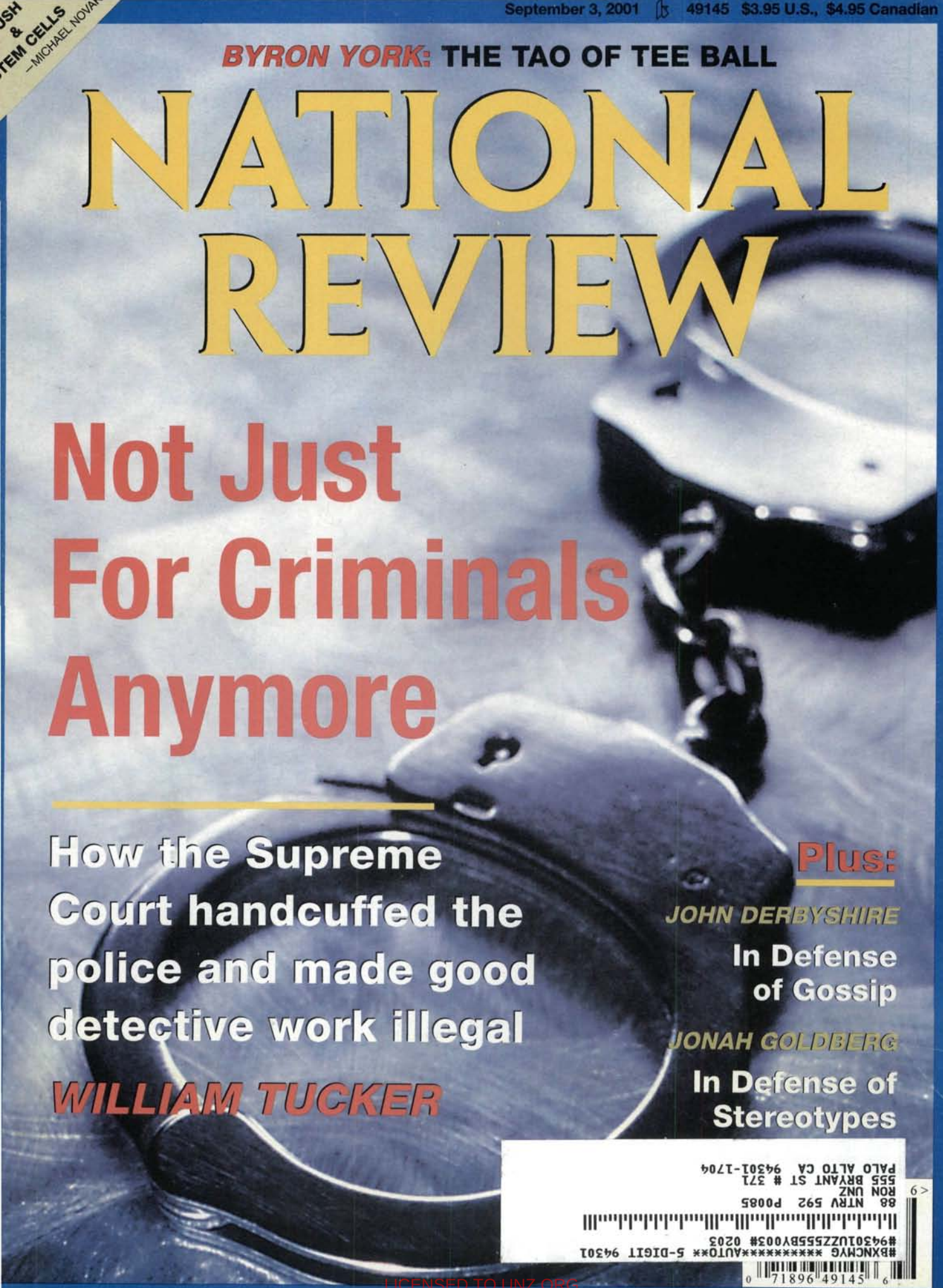

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NATIONAL REVIEW (ISSN: 0028-0038) is published bi-weekly, except for the first issue in January, by NATIONAL REVIEW, Inc., at 215 Lexington Avenue, New York, N.Y. 10016. Periodicals postage paid at New York, N.Y., and additional mailing offices.

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Address all editorial mail, manuscripts, letters to the editor, etc., to Editorial Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016. Address all subscription mail orders, changes of address, undeliverable copies, etc., to Circulation Dept., NATIONAL REVIEW, P. O. Box 668, Mount Morris, Ill. 61054-0668; phone, 815-734-1232, Monday–Friday, 7:30 A.M. to 10:30 P.M. Eastern time. Adjustment requests should be accompanied by a current mailing label or facsimile. Direct classified advertising inquiries to: Classifieds Dept., NATIONAL REVIEW, 215 Lexington Avenue, New York, N.Y. 10016 or call 212-679-7330. POSTMASTER: Send address changes to Circulation Dept., NATIONAL REVIEW, P. O. Box 668, Mount Morris, Ill. 61054-0668. Printed in the U.S.A.

RATES: $59.00 a year (25 issues). Add $21.50 for Canada and other foreign subscriptions, per year. (All payments in U.S. currency.) The editors cannot be responsible for unsolicited manuscripts or artwork unless return postage or, better, a stamped self-addressed envelope is enclosed. Opinions expressed in signed articles do not necessarily represent the views of the editors.

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September 3 issue; printed August 16

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MAIN NUMBER 212-679-7330
SUBSCRIPTION INQUIRIES 815-734-1232
WASHINGTON OFFICE 202-543-9226
ADVERTISING SALES 212-679-7330
Executive Publisher Scott F. Budd
Advertising Manager Todd Westover
Account Executive Elizabeth Capano
Detroit Rep. Joseph J. Colucci 248-626-9918

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■ LETTERS ■

WHERE THE CARIBOU ROAM

Jonah Goldberg ("Ugh, Wilderness!" Aug. 6) is too young to know the genesis of the modern environmental movement. He appeals to logic, and worse, to facts, in a realm where raw power and dreamy theater are the rule.

Today's environmental movement is made up of two groups: an entrenched management and regulatory class, who see their bailiwick in entirely territorial terms; and the endless armies of cannon fodder, young, affluent mall rats who enlist as quickly as the school systems can turn them out, and who can always be relied upon to draw a camera crew.

I've omitted philosophers and scientists, although the environmental movement is swelled with both. Naturalists-cum-educators such as Edwin Way Teale and Joseph Wood Krutch are hiding out from political-correctness nazis. And while there are genuine scientists and wildlife professionals out there, the sole criterion for admission to the movement, as well as for a job at the National Wildlife Service, is subordination of all knowledge, and of any fealty to the scientific method, to the political and emotional ends of the movement. All scientists in the federal bureaucracy now work for—and owe their grade, pay, promotion, and career tracks to—lawyers and other bureaucratic water-carriers.

The environmental movement now is nothing more than statist art. For example, the National Outdoor Leadership School pushes for regulations forbidding any color of clothing in wildlife areas that is not consistent with nature. Wildlife areas are probably the only places on earth where red is out for this crowd. And the environmental herd's opposition to ANWR exploration is principally artistic: An ugly oil well takes away from both the landscape . . . and the music.

My suggestion: Borrow from their own ecotactics handbook. "Sue the bastards" was their clarion call in the early '70s. It should be ours today.

Robert Hightower
Richmond, Va.

Mr. Goldberg's take on ANWR falls into my general category of "How the Man from the City/Seat of Government Views the Frontier." But outside of the classic exaggerations of insects, bears, rednecks, low temperatures, economic status of the natives, lack of aesthetics of the country, and lack of sophistication of those who work there, it's the first accurate appraisal I've seen. The big issue not addressed is the credibility of U.S. government geologists. They have been wrong about the North Slope for 100 years. Why do they suddenly have credibility regarding this small area of it?

Jim Carlyle
Dallas, Tex.

I have stock in Prudhoe Bay and, after reading numerous articles by environmentalist writers, I was starting to wonder whether we might be going too far by allowing more drilling in northern Alaska. But after reading Mr. Goldberg's piece, I realized that the environmentalists were up to their old tricks again. Too bad they don't save their manure to put in their gardens. It would sure improve the plants.

F. W. McWright
Albuquerque, N.M.

Jonah Goldberg is to be commended for actually going to that desolate, inhospitable stretch of land. It is definitely not the Serengeti National Park, as some writers, who have never been there, have implied. This article is the first I have seen that destroys the myth that the big bad oil companies are hellbent on destroying a scenic wonderland. Most members of Congress who are opposed to drilling just about anywhere, and most environmentalists, will never read the piece in its entirety. They wouldn't want facts to get in the way of their ignorance.

Hal Stoops
Grand Junction, Colo.

Drilling in ANWR is not the answer to our energy problems. The solution is to abandon our sprawling way of life that overuses land and water as well as petroleum and electricity. Moving to compact villages that encourage walking as the principal means of motion would benefit our physical condition as well as our energy supplies.

Jack Haley
Warner Robins, Ga.

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A world of ideas on public policy.

Maximizing Patient Choice

by E.M. Kolassa, Ph.D.

Direct-to-consumer (DTC) advertising of prescription medicines has expanded dramatically since 1997, when the U.S. Food and Drug Administration allowed pharmaceutical companies to market their products on television and radio.

Some critics contend that DTC advertising confuses patients, complicates their relationships with physicians, and drives up total drug spending. In fact, pharmaceutical promotion does just the opposite. As a result, promotion and other marketing activities that encourage the use of innovative medicines help to restrain overall healthcare spending.

Most pharmaceutical marketing activities focus on providing information to physicians and other healthcare professionals. Without these activities, many physicians would not know about new medicines, or new uses for existing medicines. In general, physicians do not readily seek out new therapies, and they have no requirement to inform themselves about new medicines. Marketing activities of drug firms are virtually the only means by which physicians learn about new therapies.

Physicians who try on their own to stay informed about new medicines face an insurmountable task. In any given year, more than 325 professional medical journals publish more than 1,700 articles on each of the leading 25 medicines. Individual physicians cannot possibly master this voluminous literature, and stay informed about scientific advances and new data regarding the hundreds of medicines in common use. Pharmaceutical marketing provides the most current information about new medicines, new uses for older medicines, and newly discovered problems with or cautions concerning medicines. Many studies have shown that newer medicines result in improved health and lower costs for patients than do older medicines. Consequently, promotional activities that speed the adoption of new medicines can improve and even save the lives of more patients.

Pharmaceuticals often reduce or eliminate the need for costlier medical interventions

Many governments strictly regulate and oversee pharmaceutical marketing. They require advertising materials to show "fair balance" and include complete information, and they ensure that advertising aimed at encouraging the use of medicines for specific diseases is consistent with approved labeling. Moreover, because pharmaceutical markets are highly competitive, one firm's advertising must compete with, and respond to, that of others providing similar products. Finally, physicians do not absorb uncritically pharmaceutical advertising and the suggestions of sales representatives. Studies have shown that physicians seek the views of trusted experts before they themselves prescribe new medicines.

DTC advertising helps to diffuse innovation quickly and safely into the healthcare system. Many critics of this advertising view it as both wasteful and coercive. But if advertising did not generate revenues in excess of its own costs, companies would not engage in it. No objective study has ever found that promotional spending drives pharmaceutical prices higher. In fact, many studies have shown that heavily-advertised medicines are priced lower than less-promoted alternatives. In addition, those who view drug advertising as coercive seem to think that physicians, who are among the most highly educated and skeptical members of our society, cannot resist (or even evaluate) the claims of pharmaceutical sales representatives.

Many critics of DTC advertising favor the so-called "patient's bill of rights." But an informed and responsible patient must have full knowledge about his or her disease and available treatments. In 1962, President John F. Kennedy proclaimed a "Consumer's Bill of Rights," arguing that every consumer had the right to be informed, the right to choose, the right to be heard, and the right to safety. DTC advertising enables patients to know the range of choices available to them, identify sources of information, and ask informed questions about their care. As a result, it helps to vindicate three of the rights set forth by President Kennedy.

E.M. Kolassa, Ph.D. is Associate Professor of Pharmacy Administration, and Associate Director of the Center for Pharmaceutical Marketing and Management at the University of Mississippi. This article is adapted from his paper, "In Search of Fair Balance: Prejudiced Attacks on the Research Based Pharmaceutical Industry Can Result in Dangerous Policies," available at: www.rx.olemiss.edu/cpmm2000/publications/fairbalance

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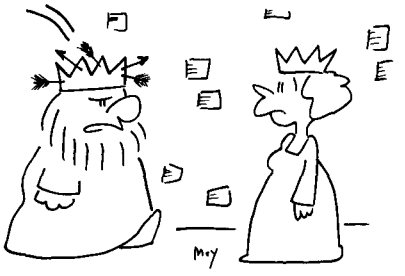
■ FOR THE RECORD ■

■ Medical checkup finds President **Bush** in "outstanding health" and "in the top 2 percent of men his age in cardiovascular fitness." . . . Bush White House payroll is $84,000 less than **Clinton**'s in 1998, for staff of same size. . . . Reporters complain about Bush taking extensive August vacation in Texas and ask whether president spends time napping. . . . House majority leader **Dick Armey** on Americans' attitude toward Bush: "They don't expect him to be a media star. They don't expect him to hang around the cocktail parties with the eastern establishment intellectuals and shine with them. They just want him to get the job done."

■ National Right to Life Committee's **David O'Steen** on Bush's stem-cell decision, in *Washington Times*: "In taking this position, the president has acted to save the lives that he could." . . . Family Research Council head **Ken Connor** on pro-lifers who support policy, in *New York Times*: "I find their positions difficult to square with the fundamental principle that life is precious and ought to be preserved. . . . If a President **Al Gore** had come out with this position, I am left to wonder whether or not their reaction would have been entirely different." . . . Bush energy plan, including ANWR drilling, expected to pass Senate committee by single vote. . . . Sen. **John McCain** (R., Ariz.) on committee vote against **Mary Sheila Gall**'s nomination to head Consumer Product Safety Commission: "What she faced was a group of senators with rope in their hands." . . . Senate majority leader **Tom Daschle** blasts Bush administration foreign policy as "foolish and shortsighted" in speech at Wilson Center. . . . **Dick Gephardt** also calls Bush foreign policy "unilateral and perplexing to the rest of the world." . . . More Gephardt, on Bush amnesty proposal: "Democrats have been leading on the issue of immigration for many years. We did not wait until it became politically expedient to answer the call for fairness and justice in our immigration laws."

■ New York mayor **Rudy Giuliani** campaigns for New Jersey gubernatorial candidate **Bret Schundler** (R.) despite noting they "differ on issues like abortion rights." Meanwhile, former N.J. governor **Christine Whitman** attacks Schundler in *Washington Post* interview: "I don't know that his positions are compatible with . . . most of New Jerseyans [who] tend to believe in a woman's right to choose, at least in the case of rape and incest." Whitman piles on: "We are not a state that is thrilled with the idea of a carry bill, which he has supported." . . . **Karl Rove** urges **Elizabeth Dole** to run for Senate, if Sen. **Jesse Helms** (R., N.C.) retires. . . .



"I've had it with the politics of personal destruction!"

Virginia Democratic gubernatorial nominee **Mark Warner** unveils record-breaking $7 million ad blitz, dipping into $200 million cell-phone fortune. GOP candidate **Mark Earley** responds with about $400,000. . . . University of Wisconsin says more than $105 million spent on political ads this year so far. . . . National Commission on Federal Election Reform report recommends turning Election Day into national holiday, allowing provisional ballots, and granting votes to ex-felons.

■ Bill Clinton's office-opening event in Harlem draws crowd of black Democrats, including Rep. **Charlie Rangel**, former New York City mayor **David Dinkins**, and gubernatorial candidate **Carl McCall**. . . . New York *Daily News* reports inmate **Al Sharpton** plans own Bill Clinton-style return to Harlem and intends to form presidential exploratory committee: "This is the first step that shows I'm definitely going to do it." . . . More Clinton legal bills: Hillary aide **Ramon Martinez III** forms "legal expense trust fund" to defray costs in probe of White House pardons. . . . Former Clinton press secretary **Joe Lockhart**, in *Washington Post*: Gun control debate "cost Al Gore the presidency" and Democrats must "embrace a third way on guns." . . . Gore spokesman calls boss's new beard "handsome and dignified." . . . Clinton-loving historian **Sean Wilentz**: "Men only grow beards when they're depressed."

■ **Ralph Nader** at rally to "energize" grass-roots activists: "No candidate should be concerned about getting votes for their opponents." . . . Sen. **Russ Feingold** (D., Wis.) to begin "listening tour" of college campuses in precursor to potential presidential campaign. . . . CNN chief **Walter Isaacson** meets with GOP leaders in Congress as part of effort to "reach out.". . . CBS anchor **Dan Rather** on stem-cell controversy: "It's the kind of subject that, frankly, radio and television have some difficulty with. . . . [So] if you're really interested in this, you'll want to read, in detail, one of the better newspapers tomorrow." . . . Ex-Sen. **Bob Kerrey** (D., Neb.) used campaign funds to pay for response to recent media inquiries concerning his Vietnam record, reports *Washington Times*. . . . Zogby poll finds ethnic group most likely to favor Social Security privatization is Hispanics (69 percent). . . . College graduates who go through Teach for America program perform better than trained public-school teachers, says Thomas Fordham Foundation study. . . . Christian Coalition struggles to fend off lawsuit by staffers alleging racial discrimination.

■ Irish government bankrolls William Jefferson Clinton Centre for American Studies. . . . Mexican president **Vicente Fox** threatens to "close the Mexican border" to U.S. trucks if Congress won't admit Mexican trucks to United States. . . . Cuban dictator **Fidel Castro** on reaching age of 75, according to *Miami Herald*: "This is the best birthday I've ever had."

■ NBC's **Andrea Mitchell** on Gore's new look: "Maybe the beard should go in the lock-box." **NR**

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THE WEEK

■ President Bush has begun a 31-day vacation in Crawford, Texas, evidently prompted by Confucius. "And Kung said, 'Wang ruled with moderation, in his day the State was well kept, and even I can remember a day when the historians left blanks in their writings.'"

■ In 1990, during the first Bush administration, Adarand Constructors, a Colorado Springs firm that makes guardrails, submitted the low bid for a Department of Transportation contract. The job went to another firm, however, because Adarand was owned by whites, and its rival was owned by Hispanics. Adarand sued; its case came to the Supreme Court, which asked the feds to retool their program to demonstrate a "compelling" government interest; the retooling was done, and approved by a circuit court, and it will appear, on appeal, before the Supreme Court once again next term. Now the Justice Department of Bush II has filed a brief asking the Supremes to let the program stand, so that "public dollars" will "not serve to finance the evil of private prejudice." What about the stupidity of government prejudice? During the campaign, George W. Bush said he was against quotas, but for "affirmative access." Watch those weasel words; they can protect old quota programs better than any guardrails Adarand Constructors makes.

■ President Bush may have the congressional support to deliver on his stated resolve to control spending in this year's appropriations bills, thanks to the Republicans in the Senate and House who have signed a pledge to uphold his vetoes of bloated spending bills. Those vetoes can't come soon enough. Discretionary spending was up 8.5 percent this year, with the non-defense portion of spending growing by 14 percent. Appropriations bills for next year are already well above Bush's benchmark of a 4 percent increase. Congressman J. D. Hayworth (R., Ariz.), who rounded up the 150 House members committed to sustaining any veto, calls the pledges a "big stick behind the Oval Office door." Bush should swing it, with relish.

■ Now that he's considering a presidential run in 2004, Tom Daschle has discovered an interest in foreign policy. The Woodrow Wilson Center was the venue for the unveiling of the Daschle Doctrine. The Senate majority leader flayed Bush for not signing the Kyoto Protocol, and all the other agreements that liberals have decided are the measure of multilateralist maturity. Daschle admitted that "reasonable people can disagree about the merits" of these treaties, but can't "ignore the consequences of tearing up each one." In other words, reasonable people who disagree with them should sign them anyway. Daschle "welcome[d] our European allies' plans to increase their collective defensive capabilities"—that is, to devise an EU alternative to NATO. Daschle slapped Bush for reducing Russian-American relations "to a simple matter of trust between two leaders," which is a good point, though Daschle didn't make it when Bill Clinton was bear-hugging Boris Yeltsin. Finally, Daschle assailed missile defense, urging Americans to "take a closer look at the trade-offs" of increased funding. What he means is that missile-defense funding competes with all the vulnerable old-style weapons programs that sustain many a state and congressional district. Daschle's goal is to enmesh the United States in a web of multilateral commitments. His method will be to chop down Bush with a revolt of congressional barons. He will play the globalist and local ends against the national middle. Bush is forewarned.

■ Senate Democrats have signaled their intention to "Gall" Otto Reich, a former Reagan official nominated to be Bush's top Latin American diplomat. As Jay Nordlinger demonstrated recently in NR, the balance of the case against the Cuban-born Reich is that he was an anti-Communist back in the 1980s when it actually mattered. (Now, of course, liberals tell us the battles of the Cold War were "simple" and "black-and-white.") A full-throated defense of Reich by his prospective boss, Colin Powell, would be a major boost in the confirmation battle to come.

■ President Bush's antitrust enforcer, Charles James, does not seem inclined to let the Microsoft case go. The case continues to do economic damage, the latest being the uncertainty it is creating about when, in what form, and even whether Microsoft will be able to release its new operating system (Windows XP). The government may, however, soon have an opportunity to reconsider. Microsoft has just asked the Supreme Court to review the case. The Court has good reason to do so. An appeals court has already disqualified the trial judge, Thomas Penfield Jackson, because of his improper meetings with reporters. But the appeals court voided only his proposed remedy, not his findings of fact and law. Those findings were issued after the meetings began, and the decisions of other appeals courts in similar cases suggest that they should be voided too. The Supreme Court needs to step in to impose consistency on the law. That might mean a retrial in which another court makes new findings of fact, which could well turn out better for Microsoft than the technological speculation, theories, and errors that Judge Jackson called facts. The Court should take the case and order a retrial—and then Charles James should settle.

■ During the late 1990s, Alan Greenspan seemed to obsess about the threat of "excess demand" and an "overheating

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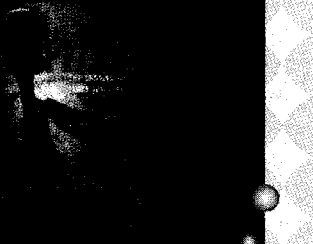

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Elvis in the Morning

A NOVEL BY

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economy." Supply-siders argued that rather than setting targets for economic growth, the Federal Reserve should stick to maintaining price stability. The best guide to whether inflation was on the horizon, they further argued, could be found in market prices. Since the prices of raw materials and precious metals were slumping in 2000, for example, they generally urged the Fed to loosen monetary policy rather than tighten it. The central bank, citing estimates that the economy was growing at a rapid 5–6 percent pace, tightened anyway. If the evidence of sluggish economic conditions all around us is not enough to demonstrate that Greenspan chose wrongly, we now have more evidence: It turns out that those growth figures were overestimated. The newly revised figures show that the economy grew by only 2.6 percent in 2000. Government figures are backward-looking and subject to frequent revision, unlike market prices. Instead of rubber-stamping Greenspan's picks for the Federal Reserve Board, President Bush should start appointing people who are willing to let markets guide the Fed rather than attempting the reverse.

■ Bill Clinton got more than $10 million from Alfred A. Knopf, Inc., for his memoirs, and anyone who squints at the price knows not the way of the world. Of course the publishing industry will pay ten very big ones for the confessions of Monica's boytoy. And who is to say that Knopf will not earn back the advance? American publishing has had a long love affair with trash. A huge 19th-century bestseller was *The Awful Disclosures of Maria Monk*, the supposed autobiography of a woman who turned out to be mad, but who claimed to report on sex and abortions at a French-Canadian convent. One of the innovators of American publishing was Ned Buntline, pioneer of the Wild West dime novel, who was a drunken temperance lecturer and a fomenter of nativist riots on the side. If Mr. Clinton reaches deep into the landfill of his inner self, he will find the trash collector in all of us. At last, the 42nd president may have found his true level.

■ Republican governors running for reelection have had an easy time of it in recent years, but one of them—George Ryan of Illinois—announced on August 8 that he won't seek a second term in 2002. Ryan's poll numbers have sagged for months under the weight of a license-bribery scandal during his tenure as secretary of state. Many conservatives welcomed Ryan's election three years ago, when he ran a conservative campaign. Since then, however, Ryan has drifted left: He placed a moratorium on the death penalty last year, vetoed a bill to restrict taxpayer funding of abortion, and spent part of this August pushing for expanded gay rights. He favors Lt. Gov. Corinne Wood, a socially liberal ticket-balancer, to succeed him on the grounds that she is "more moderate" than attorney general Jim Ryan, who is preparing to run. State senator Patrick O'Malley, also a capable conservative, is gearing up for a bid. If this pair splits the Right in a primary and Wood becomes the nominee, the Democrats will have a unique opportunity to woo conservatives by advancing downstater Glenn Poshard, a pro-lifer who served in Congress before Ryan beat him in 1998. Poshard has said he won't run again. If he changes his mind, though, perhaps conservatives should support him to save the Illinois GOP from itself.

■ Another faltering Republican governor is Don Sundquist of Tennessee, who has tried to balance the state budget by imposing a new income tax on residents. Currently, Tennessee is one of just nine states that don't demand a slice of everyone's take-home pay—and big majorities in the legislature kept it that way in August by overriding the governor's veto of their $19.6 billion budget. Sundquist was elected partly on his conservative record in the House of Representatives; now he heads off into a term-limited netherland denouncing the legislature's aversion to new taxes as "reckless disregard for our state's future." He sounds a lot like Al Gore—the last Tennessean to flop in his native state.

■ One man is determined to join the club Ryan and Sundquist soon will leave behind: former Jersey City mayor Bret Schundler, the Republican candidate for governor of New Jersey. A principled conservative running in a famously liberal state, Schundler finds himself trailing Democratic nominee Jim McGreevey in the polls. One of Schundler's strong points (a firm grasp of intricate wonkery) is simultaneously a weakness (he can have trouble communicating with voters). What he needs is a galvanizing program on taxes, something more compelling than lifting the tolls on state highways, a praiseworthy idea that he has proposed. There is still plenty of time: Former governor Christine Whitman surged to victory on a tax-cut pledge announced relatively late in her first gubernatorial campaign eight years ago. In that respect at least, Schundler should be trying to follow in Whitman's footsteps. Let the next comeback begin.

■ Bowing to political pressure from the logging and sawmill industries, the Bush administration decided to impose a 19.3 percent tariff on softwood lumber imported from Canada. Worse, it made the tariff retroactive to mid-May. Aren't

Bush Wins Two

It was a breathless turnabout;
Ted Kennedy turned puce.
John Kerry, livid, vowed to save
Mosquitoes from abuse.
Back in the other body, nerves
Twanged from the rude event.
Gephardt alarmed the visitors.
Waxman's about to vent.

—W. H. von Dreele

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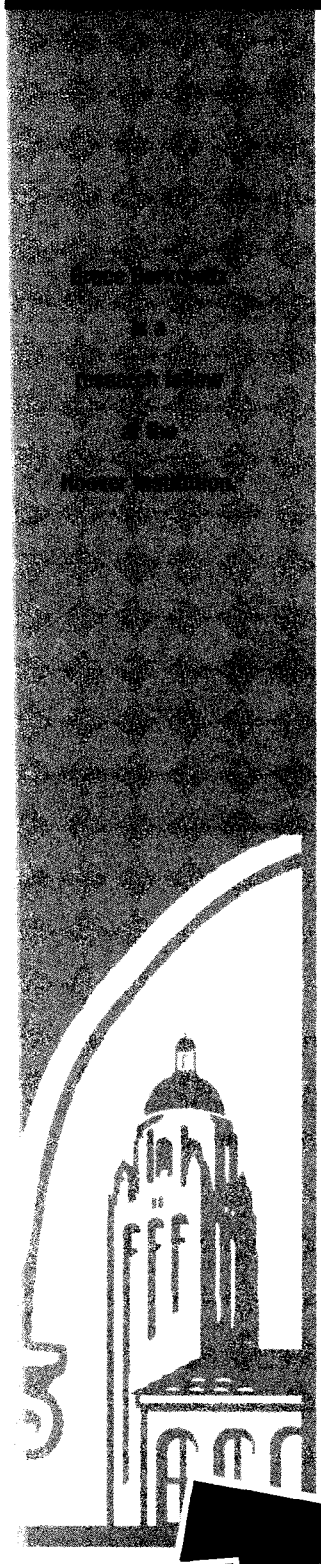
The Computer Wars



If you believed press reports earlier this year, Chinese technogeeks were preparing to bring down the Internet by jamming American web sites. Supposedly they were upset over the up-close-and-personal encounter between our EP-3E surveillance aircraft and their fighter jet over the South China Sea.

Alas, "Hack the USA Week" was a bust and may have been mainly media hype in any case. As it turned out, only a few United States web sites with sloppy security were defaced with graffiti.

That's the good news. The bad news is—as with last year's Love Bug virus attacks—these pranks are diverting attention from a more serious problem. **The real threat is not the hackers you see; it's the ones you don't.**

Military organizations in several countries are busy developing capabilities for computer network attacks. There is also a growing international trade among terrorists in "hackers for hire." Corporate spies and organized crime are getting into the act too.

These pros are developing tools to steal data and win wars. Professional info-warriors spend months probing targeted networks. When they crack into a network, they don't publicize their success. They exploit it.

If a crisis were to break out—say, a conflict between the United States and China over Taiwan—these specialists could attack U.S. computer networks to intimidate American leaders or complicate military mobilization. Terrorists could use computer warfare to hamstring civil defense workers and police responding to bombings and other attacks.

The most likely targets would not be military networks but commercial and civilian infrastructure—the computers that control transportation systems, financial networks, communications, and the like. Commercial systems are usually easier to dial into and less secure. Civilian operators are also less aware of hard-core computer warriors and terrorists.

Fortunately, there is time to prepare. Even more important, this is one area in which the military services, U.S. industry, civil libertarians, and the public all share common interests.

The technology and security measures that make it harder for cyberterrorists and computer warriors are the same measures that would protect the privacy of individuals and the safety of electronic commerce: strong encryption, easy-to-use security software, and better education about the threat.

Everyone would be better off if we also had better planning that allowed businesses, the military, and law enforcement officials to work together. For this to happen, the public needs to be able to trust both government and industry—which means we need effective oversight.

Finally, **the government needs to adopt policies that let U.S. companies remain predominant in the global information economy.** It will be easier to fend off insider threats if more software and hardware are designed in the United States, not in some other countries one can think of.

In today's deregulated, global economy, information industry companies can set up shop almost anywhere. The United States needs policies that attract the best businesses and let them compete effectively. It has been said that computer warfare is the dark side of the information revolution. With a little effort, sensible policies, and good faith, we can prepare.

— Bruce Berkowitz

Paid for by the Hoover Institution, Stanford University.

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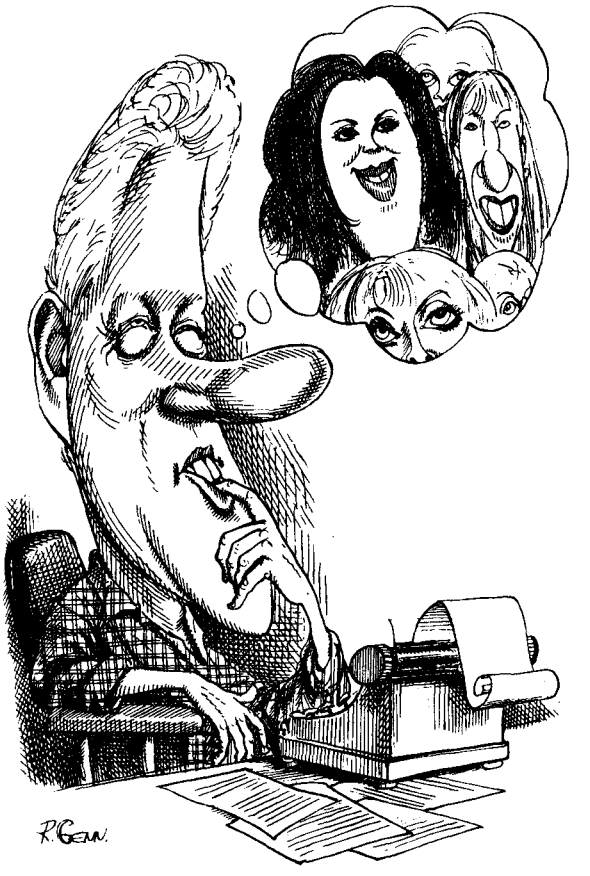
Republicans supposed to oppose retroactive taxation? Come to think of it, isn't President Bush supposed to be a free trader? Bush's lumber protectionism comes on the heels of moves to wall off steel imports. In both cases, he is helping a small industrial interest while raising costs to industries that employ far more workers. The administration's off-the-record justification for these policies is that discrete acts of protectionism will buy congressional support for sweeping free-trade deals. But these policies also make it harder for America to negotiate those deals with other countries. What Bush is offering is new barriers now in return for the possibility of liberalization later. It's not a good trade.

■ Sure, sharks maul and kill people—but they are really just another fragile piece of the ecosystem. Or so goes the usual environmentalist line. "Humans are much more dangerous to sharks, which tend to end up in soup or medicine," a *Time* magazine cover story recently reminded readers. This attitude has spawned a swath of federal and Florida regulations since the early 1990s that has drastically cut into shark fishing. In Florida, where the vast majority of shark fishing occurs, more than 7.4 million lbs. of shark was hooked or netted off the coast in 1990. By 1999, the total catch had plummeted by more than 86 percent, to just over 1 million lbs. As Sean Paige, the Warren Brookes Fellow at the Competitive Enterprise Institute, pointed out in a National Review Online piece, this trend just happens to coincide with another: In 1993, there were 8 documented shark attacks in Florida; last year, there were a record-high 34—including one known fatality—in state waters, representing a more than threefold jump. Nationally, attacks rose from 21 in 1993 to 51 last year. All of which suggests that humans may not be nearly dangerous *enough* to these fragile predators of the sea.

■ The United States will pay China $34,567 for expenses it incurred after disabling our spy plane over the South China Sea in April. Housing our captured airmen; boxing up our wrecked plane and shipping it home—it all adds up. But, hey, the administration beat them down from the $1 million bill they originally presented. So now we know Bush's China policy: extortion payments on the cheap.

■ Three years ago in these pages, Martin Sieff made the case for an alliance between India and the United States: With the Cold War over, the interests of these two democracies—in containing China, combatting Islamist radicalism, and ensuring the relatively free flow of oil in the Persian Gulf—increasingly converge. In recent months, both countries' governments have been coming to appreciate this logic. The Bush administration's latest overture is to propose lifting the sanctions that were imposed on India for testing nuclear weapons in 1998, a step that would make military cooperation between the countries possible. It's a wise decision. Sanctions on nuclear offenders have always been more of a gesture than an effective policy. A country that believes its security requires becoming a nuclear power is not likely to be deterred by mere sanctions. A serious policy against nuclear proliferation would place more stress on developing defenses against missile attacks, so as to reduce the incentive to go nuclear. That is the direction Bush is going. And no country has been more supportive of his drive toward missile defense than India.



THE MEMOIRIST
by Roman Genn

■ The Treaty of Nice, which will prepare the European Union for the entry of new members, most of them from eastern Europe, must be ratified by current EU members. Austria's Freedom party, whose inclusion in that country's governing coalition last year caused the EU to impose eight months of economic sanctions, is now demanding a popular referendum on this ratification, so that Austrians may make their views known. On hearing of this, Louis Michel of Belgium—the current EU president—gave vent to his feelings in the pure, authentic tones of the Eurocrat: "I personally think it is very dangerous to organize referendums when you're not sure to win them . . . If you organize a referendum and you lose the referendum, that's a big problem for Europe . . . Has a country the right to prevent the progress of Europe? I am not giving you an answer, but I am asking the question." Will the creation of a European superstate under the rule of people like M. Michel be an advance for representative democracy, or not? We are not giving you an answer, but we are asking you the question.

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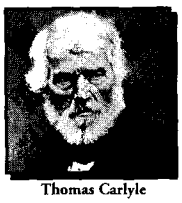
Thomas Carlyle

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He is author or editor of more than 40 books, including *Wild Beasts & Idle Humours: The Insanity Defense from Antiquity to the Present* (Harvard 1996), *An Intellectual History of Psychology* (3rd edition, Wisconsin, 1995), *The Mind: An Oxford Reader* (Oxford, 1998) *and Aristotle's Psychology* (Columbia, 1989).

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■ After signing a law paving the way for a U.N.-assisted genocide tribunal in Cambodia, King Norodom Sihanouk said he prays every week for the souls of the victims of the Khmer Rouge. Prayer may be the only way he can have an effect in the world to come. In this life, the people of Cambodia need the accounting the tribunal will provide. The Nazi leaders were tried at Nuremberg; South Africa set up a Truth Commission. But Communists the world over have been conspicuously unpunished for their deeds (in some countries, they still rule). In Cambodia, a tiny nation, with only the crudest implements and infrastructure, Communists killed 1.7 million people—as the cynics say, the Khmer Rouge batted for average, not power—yet most of the murderers are still at large. The freedom of the guilty is an affront to orderly thought, and a constant psychic drain on their neighbors, whom only chance spared from becoming their victims. A trial, however few are prosecuted, means: We know what happened, and we will say what we know. Justice demands nothing less.

■ U.S. and British planes destroyed a fiber-optic communications node and a long-range early-warning radar in Iraq recently. The point of the raid was to protect U.S. and British flights over Iraq, which are themselves pointless. In its half-measures and drift, the Clinton Iraq policy lives on in the Bush administration. Military history again and again has demonstrated the folly of allowing a defeated adversary to continue to feel aggrieved (and therefore bent on revenge) without ever actually finishing him off—a perfect description of U.S. strategy toward Saddam, going on a decade now.

■ A year ago, Zimbabwean strongman Robert Mugabe sought to revive his political prospects, which were depressed by a limping economy, by launching a campaign against the nation's white farmers. Mobs of "squatters," actually government-backed militants, seized farms and occasionally murdered their owners. Meanwhile, Mugabe said he planned to confiscate 20 million acres of white-owned land. In a new twist, the Zimbabwean police have arrested over 20 white farmers for fomenting violence. "We are doing the best we can," a police spokesman complained, "under the hostile environment the farmers themselves have created." These beasts are nasty, as the French proverb says; when you attack them, they defend themselves.

■ In 1975, the U.N. General Assembly passed a resolution, promoted by the Arab bloc and backed by developing nations, equating Zionism with racism. Daniel P. Moynihan, then serving as U.S. ambassador to the U.N., called the vote "obscene." The U.S. boycotted two further U.N. conferences on race issues, in Geneva in 1978 and 1983, because of the "Zionism = racism" resolution. Now we read that the negotiations to prepare for yet another U.N. racism conference, to be held in Durban, South Africa, at the end of August, are stuck on that same point. The 56-nation Organization of Islamic States is insisting on references to "racist practices of the occupying power" in the Middle East, and "racial discrimination against the Palestinians." U.S. participation in the conference is now uncertain. We should stay out. Moynihan had it right 26 years ago.

■ Al Gore came back from his European vacation with a beard, and the commenting classes fell over themselves trying to divine the significance of this development. A popular theory was that the ex-veep, depressed at losing last November's election, had put on weight and needed to conceal some jowliness. Others thought it was a play for attention; yet others, that it was a sign of retreat into the mountain-man persona that lies beneath Al's environmentalist enthusiasms. In fact, Al may be out ahead of the nation on this one. The fashion for, or against, beards runs in odd cycles. Joseph Palmer of Fitchburg, Mass., was denied communion at his church in 1830 when he entered wearing a beard, and a group of parishioners tried to shave him forcibly. Yet 30 years later, Abraham Lincoln was able to sport a beard in office; and the 18th, 19th, 20th, and 23rd presidents all had full-facial growths. Now, after a long spell of beardless public men, the wheel may be turning again.

■ Following a rash of complaints, department-store chain J. C. Penney yanked a line of T-shirts featuring the words "Home Skooled" over a silhouette of a trailer. "It wasn't our intent to sell an item that is offensive," said a spokesman. But did Penney have to retreat? Why not learn some moxie from edgy retail chain Urban Outfitters, carriers of a "CCCP" logo shirt? "The shirt was supposed to represent the triumph of our system over the Soviet Union, not some nostalgic act of sympathy for Communism," company president Richard A. Hayne assured one letter-writer. "[A]s we developed the shirt, I came to realize that the great majority of our under-25-year-old staff (and customer base) has no idea what CCCP stands for. I tried to give a very brief history lesson to our young staff on the Soviet social experiment and the devastation it created." We await the historically instructive, dyed-to-match Urban Outfitters "SS" polo.

Our House Moderates

Like Raggedy Ann, they go wobbly
And sag in the middle as Bush
Plumps tummies routinely, while Armey
Plays pattycake, bellowing SHUSH!
Additionally—don't be sexist—
The Raggedy Andys flop, too;
So what a surprise when this gaggle
Of petulant divas came through.

—W. H. von Dreele

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■ On entirely onomastic grounds we extend a warm welcome to Mrs. Megawati Sukarnoputri, the new president of Indonesia. Megawati! Will she be a powerhouse for reform in her country? Or at least an illuminating presence? For some years the world stage has been suffering from a dearth of names that, while of course perfectly respectable in their native tongues, look odd or ridiculous to English-speakers. Older readers may cherish fond memories of Mr. Oginga Odinga, former vice president of Kenya; Sir Abubakar Tafawa Balewa, whose career in Nigerian politics ended with a nasty case of lead poisoning in a roadside ditch; Lon Nol, the palindromic premier of Cambodia; South Korean foreign minister Lee Bum Suk, undone by a North Korean terrorist bomb while visiting Rangoon in 1983; and Mr. Canaan Banana, former president of Zimbabwe, of whom little has been heard since Mr. Mugabe had him arrested for sodomy in 1998. Now a new age of silly names may be dawning. One of the leading candidates for the presidency of China, should Jiang Zemin step down as scheduled in 2003, is one Hu Jintao. If he succeeds, we shall be able to amuse ourselves with exchanges along the lines: "Who's the president of China?" "Yes."

■ The Clinton-Lewinsky affair is in process of being "deconstructed" by the people who are paid to do that kind of work—the "critical theorists" of our elite universities. Tyler Curtain, who teaches "queer theory" in the English department of the University of North Carolina at Chapel Hill, notes that Clinton bestowed a copy of Walt Whitman's *Leaves of Grass* on the lady: "Something about the Clinton-Lewinsky relationship is definitely queer. . . . Whitman has been used as a shibboleth for nonnormative sexuality since his first writings . . ." Ann Cvetkovich, associate professor of English at the University of Texas at Austin, concurs, noting that the hallway where the couple were obliged to tryst "is not unlike the bathrooms and parks where gay men have public sex." Hedging her bets, however, Cvetkovich also sees that narrow hallway as reminiscent of the crawl space where an escaped slave was obliged to hide while fleeing north, and so "demonstrates the constraints of the presidency." She allows that the "differences between the president and the slave girl are vast," but insists that "in both narratives, spatial confinement makes the impact of social systems material." It's hard to judge whom all this demeans more: Clinton, blacks, gays, or students.

■ With $200 in the bank, on August 15, 1981, Mother Mary Angelica flipped the switch on a camera in her convent garage in the middle of Protestant Alabama —the beginnings of the Eternal Word Television Network, the global Catholic broadcaster. Twenty years later, EWTN has roughly 300 employees, reaching about 66 million households in 43 countries. Mother Angelica, 78, has resigned as head of EWTN, but continues her live call-in TV show, *Mother Angelica Live*, twice a week. Ask Mother Angelica about the network and she takes no credit, calling the whole thing a miracle. When you match her lack of technical know-how and advanced schooling with EWTN's smashing success, it's hard to argue with her. Happy 20th.

■ Jack Maple, a former New York City deputy police commissioner, was one of those larger-than-life figures who can be smaller than good sense. He once took out a loan on his house so he could be a high roller at the Plaza. Later, he switched to Elaine's, a ghastly but trendy restaurant, where he favored champagne on the rocks, a sad concoction. He dressed in garish spats and homburgs. But as a cop, he was top drawer. The youngest detective in the city's transit police, he made so many arrests that his superiors became annoyed by the paperwork. William Bratton, Mayor Giuliani's first police commissioner, jumped Maple from lieutenant to deputy commissioner. In his new role, Maple invented Compstat, a computerized record of precinct-by-precinct crime statistics that allowed for weekly evaluations and follow-ups. New York's plunging homicide rate—from 1,946 in 1993, to under 1,000 in 1996—led the nation. After Maple left the force in 1996, he exported his methods to some other cities, including New Orleans, Newark, and Baltimore. When Maple died at 48, of colon cancer, he was given a full inspector's funeral at St. Patrick's Cathedral. Thousands of Americans are alive today thanks to the innovations of this swaggering, practical criminologist. R.I.P.

■ Pamela Anderson Lee is going out with Kid Rock, who says he is so enamored of her that he has given up groupies. "I love thee with the passion put to use / In my old griefs, and with my childhood's faith. / I love thee with a love I seemed to lose / With my lost saints—I love thee with the breath, / Smiles, tears, of all my life!—and, if God choose, / I shall but love thee better after death."

■ MTV, 20, shrank America's attention span.

STEM CELLS

Holding the Lines

To be a social conservative leader in modern America can be a thankless task. You must uphold truths that were so long accepted that they are no longer well understood. A conservative politician must perforce be, to some extent, a moral teacher. The task of teaching is made more difficult by the fact that we lack not just a social consensus on moral controversies, but the shared vocabulary to address those controversies. This year's debate over stem-cell research has amply demonstrated the point. President Bush's difficulty was not merely that many people do not accept the moral case against killing human embryos for research purposes; it was that they did not even find that case intelligible. So President Bush had to announce, explain, and justify his decision, but he had also to do something more: to draw the vast, ambivalent, inattentive

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public into a process of moral reasoning about a topic with which almost nobody is familiar.

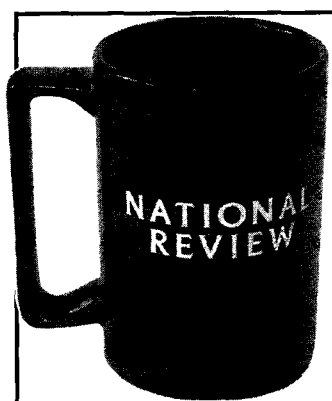
He largely succeeded, although neither the decision nor the speech was entirely satisfactory. Bush's decision was to allow federal funding for research on stem-cell lines that had already been taken from embryos—but not funding for research on stem cells that might be taken from embryos in the future. This policy is morally defensible. It accepts past evils (the already accomplished embryo killings) without in any way depending on or encouraging future evils.

It is, all the same, not the ideal policy. We would have preferred no taxpayer funding of research on stem cells and—even more important—a ban on the killing of embryos, whatever the purpose and whether financed by the public or private sector. But we recognize that had Bush ruled out any public funding, let alone sought a ban on private embryonic-stem-cell research, Congress would have ignored him. By cooling the demand for public funding of research involving still more killing, Bush's intervention in the debate may lead to a less pernicious policy than we would otherwise get.

For Bush's intervention to have that outcome, he will have to make good on his promise to veto any expansion of funding. Pro-life critics of his decision worry that demands for more funding will be unstoppable: If the research bears fruit, scientists will want to be able to destroy more embryos or even to clone embryos for research purposes; if it does not, they will say that they would have gotten results if only they had received more funding. (It is worth noting, however, that even if Bush had blocked all taxpayer funding, private-sector research might have led to that clamor too.)

Nor is his willingness to use the veto pen all that pro-lifers should demand of Bush. He must also keep making the case for respecting life in all its stages. He did a pretty good job of that in his speech. On the debit side of the ledger were two stray references to embryos' "potential for life." But for the most part Bush was arguing for their right to continued life. Usually, pro-life Republican politicians make such arguments only before the pro-life faithful, and even then in code. Bush did it on national television in the first special address of his presidency. And the heavens did not fall.

On abortion, Republican leaders, including Bush, have been described as "all action and no talk." But in a democracy, of course, talk is a form of action, rhetoric a form of leadership. That's why Bush addressed the nation. Having begun a conversation, he is now obligated to continue it.



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THE MIDDLE EAST

Palestinian Suicide

THE recent spate of suicide bombings has done much damage to Israel, killing about 100 people, many of them young. Inhuman in itself, the enterprise is so demoralizing because it is so totally futile. Nothing can come of it except bitterness and the urge for revenge. The so-called peace process is well and truly over for the time being. Quite as ugly, and just as expected, is the growing criticism of Israel for taking the steps necessary to its self-defense.

Faced with these sustained murderous attacks, the Israelis could choose what may be called the Russian option: sending in the army, reoccupying territory, and installing some other regime than Arafat's. Japanese kamikaze pilots in the last war were prototype suicide bombers, and the United States discovered that total victory was the only way to overcome them. So far, Israel has instead adopted the far more moderate course of identifying the recruiters and organizers who send in the deluded young volunteers. This involves intelligence work, including the collaboration of Palestinians who are risking their own lives. Israel then asks Arafat to have identified terrorists arrested. His response is that he is in no position for such action. So the Israelis strike selectively, and so far have eliminated about a score of master-terrorists. Under the appearance of rough justice, the Israelis are taking a few lives in order to save many lives. It is a reasoned calculation of profit and loss. The outrage of Israel's critics—including, apparently, Colin Powell and the Bush administration—boils down to the proposition that Israelis are there to be killed, and have no right to be doing anything to prevent it.

Meanwhile the suicide bombers have done infinitely greater damage to the Palestinians on whose behalf they claim to be acting. Palestinian society as a whole is now in the grip of almost perpetual violence, self-inflicted from top to bottom, and compounded by chronic corruption and unemployment. Yasser Arafat, the nominal leader, continues to raise expectations that cannot be met. Islamic fanatics incite the people to believe that God wants them to kill Jews, and never mind the consequences. Mass hysteria has replaced reasoned calculations of profit and loss.

Israel has no responsibility for whatever the Palestinians might do to themselves. Yasser Arafat must live with the mess

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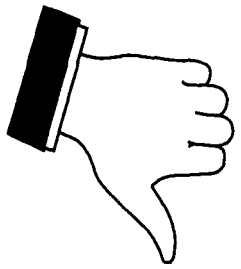

BOTH SIDES AGREE

THUMBS DOWN TO McCAIN-LIEBERMAN

Organizations representing more than 100 million moderate, conservative and liberal Americans oppose the McCain-Lieberman Gun Show Bill.

The reasons for opposing the McCain-Lieberman Gun Show Bill vary greatly. This only underscores the serious problems Americans have with this bill.

As the saying goes, "The road to hell is paved with good intentions." We can't let good intentions create bad laws.

The following is a *partial* list of organizations that oppose the McCain-Lieberman (S.890) Gun Show Bill:

American Association of Suicidology • American Conservative Union • American Medical Students Association • American Political Action Committee • American Medical Women's Association • Center on Juvenile and Criminal Justice • Children's Defense Fund • Citizens Committee for the Right to Keep and Bear Arms • Church Women United • Consumer Federation of America • Doctors for Responsible Gun Ownership • The Episcopal Church • Family Violence Prevention Fund • Fifty-Caliber Shooter's Association • Gun Owners of America • Jewish Women International • Jews for the Preservation of Firearms Ownership • Law Enforcement Alliance of America • Law Enforcement for the Preservation of the Second Amendment • Lutheran Office for Governmental Affairs • NAACP • National Association of School Psychologists • National Black Police Association • National Center for Women and Policing • National Coalition Against Domestic Violence • National Association of Arms Shows • National Network to End Domestic Violence • National Organization of Black Law Enforcement Executives • National Women's Health Network • Physicians for Social Responsibility • Physicians for a Violence-Free Society • Presbyterian Church (USA) • National Rifle Association • Right to Keep and Bear Arms Political Victory Fund • Second Amendment Police Department • Second Amendment Sisters • Trauma Foundation • Unitarian Universalist Association of Congregations • United Sportsmen of America • Violence Policy Center • Women Armed for Defense • Women Against Gun Control • Alabama State Rifle and Pistol Association (AL) • Arizona Consumers Council (AZ) • Arizona Arms Association (AZ) • Arkansas Rifle and Pistol Association (AR) • California Rifle and Pistol Association (CA) • Physicians for Social Responsibility/San Francisco Bay Area (CA) • Colorado Coalition Against Domestic Violence (CO) • Gun Owners of California (CA) • Physicians for Social Responsibility/Colorado (CO) • Colorado State Shooting Association (CO) • Connecticut Coalition Against Domestic Violence (CT) • Connecticut State Rifle and Revolver Association (CT) • Consumer Fraud Watch (FL) • Physicians for Social Responsibility/Atlanta (GA) • Georgia Sport Shooting Association (GA) • Illinois State Rifle Association (IL) • Hawaii Rifle Association (HI) • Idaho Rifle and Pistol Association (ID) • Champaign County Health Care Consumers (IL) • Chicago Consumer Coalition (IL) • Indiana State Rifle and Pistol Association (IN) • Iowa Coalition Against Domestic Violence (IA) • Iowans for the Prevention of Gun Violence (IA) • Kansas State Rifle Association (KS) • Kentucky Firearms Foundation (KY) • Kentucky Coalition to Carry Concealed (KY) • Gun Owners Action League (MA) • Massachusetts Consumers' Coalition (MA) • Maryland State Rifle and Pistol Association (MD) • Michigan Coalition Against Domestic and Sexual Violence (MI) • Michigan Coalition for Responsible Gun Owners (MI) • Missouri Coalition Against Domestic Violence (MO) • Missouri Sport Shooting Association (MO) • Second Amendment Coalition of Missouri (MO) • Western Missouri Shooters Alliance (MO) • Nevada State Rifle and Pistol Association (NV) • Gun Owners of New Hampshire (NH) • New York Public Interest Research Group (NY) • Physicians for Social Responsibility/New York City (NY) • Physicians for Social Responsibility/Syracuse, New York (NY) • Shooters Committee on Political Education (NY) • New York State Rife and Pistol Association (NY) • North Carolina Coalition Against Domestic Violence (NC) • North Carolina Consumers Council (NC) • Ohio Domestic Violence Network (OH) • Physicians for Social Responsibility/Northeast Ohio (OH) • Ohio Gun Collector's Association (OH) • Physicians for Social Responsibility/Southwest Ohio (OH) • Oklahoma Coalition Against Domestic Violence and Sexual Assault (OK) • Oregon Consumers League (OR) • Mercer County Community Action Agency (PA) • Pennsylvania Citizens Consumer Council (PA) • Physicians for Social Responsibility/Philadelphia (PA) • Pennsylvania Federation of Sportsman's Clubs (PA) • Rhode Island Coalition Against Domestic Violence (RI) • Texas Alliance for Human Needs (TX) • Texas State Rifle Association (TX) • Gun Owners of Utah (UT) • Utah Gun Owners Alliance (UT) • Washington State Chapter of Women Against Gun Control (WA) • Washington Arms Collectors (WA) • Gun Owners Action League of Washington (WA) • Physicians for Social Responsibility/Madison, Wisconsin (WI) • Libertarian Party of Wisconsin (WI)

The diversity of the organizations opposed to the McCain-Lieberman Gun Show Bill is the best reason why it should not become law. It is not often that people across the political spectrum, who are often at odds with each other, agree.

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he has made until such time as a Palestinian successor can mend it. In the circumstances, the sole course of action still open in pursuit of peace is to separate the two communities as widely as possible, in the hope that each will go its own way. Israel has to decide what are its minimum demands for security and boundaries, which also means selecting which settlements are to be retained and which abandoned, and then implement its decisions unilaterally. Before the Six Day War in 1967, there existed in effect a Middle Eastern version of the Iron Curtain, with a crossing-point at the once-famous Mandelbaum Gate in Jerusalem, the local equivalent of Berlin's Checkpoint Charlie. Arbitrarily imposed though it was, the arrangement nevertheless served to keep the two communities apart, and terrorism in check. The peace-process attempt to oblige them to live together against their wishes has instead opened the descent to hell.

■ NOTES & ASIDES ■

■ Dear Bill: Reading in James Atlas's life of Saul Bellow, I came across the following passage, at once amusing and somewhat maddening. As it begins, in June 1943, Bellow is (apparently) on the brink of being hired as a staff writer at *Time*.

> There was [Atlas writes] just one hurdle—a formality, [*Time* editor Dana] Tasker assured him. He would have to see Whittaker Chambers, who edited the back-of-the-book pages on books and the arts. The house highbrow at *Time*, Chambers prided himself on his grasp of Western culture and was rumored to keep a score of Beethoven's Ninth Symphony in his drawer. He was also a fanatical anti-communist [*sic*]. "In his own person he had experienced history," Bellow wrote of Chambers in one of his many unpublished manuscripts about those years, describing him as "a GPU agent turned Quaker" and a chain-smoking paranoid with rotten teeth. "Passing through hell, the suffering servant of God, he brooded from his high window over downtown New York, stuffed with thoughts about the future of Christianity, the fate of the West, the spiritual struggle with satanic totalitarianism." Chambers had done more damage as an editor, Bellow joked, than as a spy.
>
> At their interview—as Bellow often told the story, frequently altering the details—Chambers faced away from him, enthroned on a wing chair. Was Mr. Bellow familiar with Wordsworth? he asked. (Sometimes it was Blake.) Bellow protested that Wordsworth had nothing to do with writing journalism for *Time*, but Chambers adamantly pursued his English-lit line of questioning. Wordsworth was a Romantic poet, Bellow replied. And what was his greatest poem? Chambers persisted. "Ode: Intimations of Immortality," Bellow ventured.
>
> He was sorry, Chambers announced curtly, there was no place for Bellow at *Time*. The only poem of Wordsworth's that counted was "The Excursion." Bellow had flunked. As he was leaving, a disgruntled employee shook his hand and assured him it was his "lucky day." (Years later, John Berryman told Bellow that he had suffered an identical humiliation at Chambers's hands.)

My first thought on reading this was something like terror. I thought, "What if I, meeting this man whom I admire, had replied, 'The Prelude'? Would I, too, have been imperiously dismissed?" My second thought was that the story itself does not square with (a) the character of the author of *Witness* or (b) the character of the protagonist of Sam Tanenhaus's book about Chambers. The latter contains reminiscences of a number of young *National Review* writers who knew Chambers in the late '50s and early '60s, among them Garry Wills and John Leonard. *They* make no mention of a Chambersian penchant for gratuitously humiliating young writers. Perhaps Chambers had a bad day—although the parenthetical about Berryman seems designed to forestall so charitable a construction, as does the passage's suggestion that *all* days were bad days for the humorless, hysterical Chambers.

As Atlas himself implies, it's likely that Bellow, with his novelist's nose for a good story, has embellished beyond the possibility of accurate reconstruction whatever actually happened in the interview. But what I found most striking about the passage—and what I thought would interest you—is the way it casually retails all the received wisdom about Chambers. It would appear that Sam Tanenhaus's labors were in vain, and Chambers's own apologia without effect: The caricature of the "fanatical anticommunist," with his tiresome *idée fixe*, pedantically brooding above Rockefeller Center survives intact. Survives intact even though, according to the book's acknowledgments, the author talked to Sam about Chambers.

One interesting sidelight. According to the Atlas book, not long before the *Time* interview, the young Bellow, on the strength of some stories he had published in *Partisan Review*, acquired a literary agent, Maxim Lieber. Atlas doesn't mention it, but Lieber was the Communist spy whom Chambers says was "closest to me" in the underground, closer even than Alger and Priscilla Hiss. I suppose it unlikely that Chambers knew of Bellow's connection to Lieber; but if he did, might it have led him to treat the young writer less courteously than he would otherwise have done?

Sincerely,
Mike [Michael Knox] Beran
Pound Ridge, N.Y.

—WFB

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■ THE NATION ■

The Stem-Cell Slide

Be alert to the beginnings of evil

MICHAEL NOVAK

I WISH I could say that the president's speech to the nation on stem cells was as good as I had hoped. It was in many ways a wonderful speech: deeper and more philosophical than I have ever heard a president deliver, unusually balanced and fair in presenting opposing arguments, and clear in delineating both his own decision and the reasons for it. It was, in addition, heartfelt and compassionate toward all families who have members suffering from awful diseases or disabilities. I can even see how the president convinced himself, at the end, that he had found a ray of daylight through the opposing arguments, and arrived at a moral decision that seemed to him sound, and also politically defensible. During the last few months, I have heard many persons who think they are very smart lay out their arguments on this question. Not one of them did as thorough, many-sided, fair, and clear a job as President Bush did in his speech.

At the end, though, my heart sank. The president tried to maintain a position of principle, but what he ended up doing, despite his best effort, was giving away the principle. He put the Full Faith and Credit of the U.S. government behind the principle of using human beings as a means, albeit for noble ends. He offered a reason for doing this: The stem cells for whose use in experimentation he commits federal resources come from embryos already destroyed. Why not bring good out of evil, he argues, by now using these stem cells, which will otherwise be wasted, to search for cures for awful diseases? The outcome is not certain, but at least it's noble to try. This is a lovely and tempting thought. The problem is that when this source of stem cells runs out—soon—then those on the other side will demand more stem cells from more embryos. The demand for usable stem cells will swell enormously. This is particularly true if good experimental results are obtained. But it will even be true if they aren't: Look, partisans will say, you were too stingy, too narrow. You have ceded the principle, so now give up more of the specifics. The glittering utopia of science beckons just ahead.

George W. Bush by Roman Genn

Be alert to the beginnings of evil. It never comes under the appearance of evil, but always under the appearance of the beautiful, the promising, the idealistic, the pleasant. "Stop it in its beginnings," the ancient principle runs: the sooner, the easier.

Politically, the decision may play very well among a substantial majority. It is already clear that those on the left who you hope will attack it are attacking it, which will only reinforce those among right-to-lifers who accept the president's obvious good will, often deeply moving words, clearly articulated argument, and patent depth of feeling. But I deeply fear the immense battles that lie ahead, and the gathering of heartened foes, who will very quickly sniff out the weak point and pry its own inner logic with all their force. It will take almost superhuman strength now for the president to hold the new position he has moved into, having surrendered the strongest ground.

That ground was a philosophical one, not a theological one, a ground born of reason rather than of faith. One of its classic articulators was Immanuel Kant. The president himself alluded to it in his speech, in the line about not using human beings as means for even the noblest of ends. You must never use a human being as a means, only as an end. To use stem cells obtained by killing living human beings in their embryonic stage is still using them as a means. It is not enough to say that the wicked deed has already been done—that the embryos have already been killed. The purpose of that killing was to obtain the stem cells. One ought not to implicate oneself in that process, not even for the noblest and most beautiful ends.

One especially ought not to implicate the United States, which Hannah Arendt once called humankind's noblest experiment. For this nation began its embryonic existence by declaring that it held to a fundamental truth about a right to life endowed in us by our Creator. The whole world depends on our upholding that principle.

We human beings very easily reason ourselves into taking positions that end up having the most tragic of consequences, positions of which we would never have approved had we seen those consequences at the time. For the fruit of the tree of knowledge over yonder appears to be very sweet, and we feel sure that if we eat of it, then happy endings (fit for a god) will result. Those endings have always turned to sulphur in our cheeks.

The fatal mistake often comes as a result of unexamined moral sentiments: affects and feelings that serve as moral guideposts without submitting to interrogation by reason. "I feel comfortable with that," President Bush—like Presi-

Mr. Novak holds the George F. Jewett Chair at the American Enterprise Institute.

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dent Clinton, indeed like just about everybody else in this fair land—is wont to say. It is as if Americans were ashamed to say that they reached a considered intellectual judgment, independently of their feelings. "I feel comfortable with that" seems itself to be more comfortable than "That's what I've reasoned to."

And this should cause us great uneasiness, because very often in the moral life, our feelings and sentiments are horrible guides to right action. It sometimes feels like sheer Hell to have to do the right thing, and most terribly *un*comfortable. For instance: When individuals in Nazi Europe made the personal decision to join the Resistance, they often did so feeling the most awful dread, sick in their stomachs about the prospect of being hunted out like animals, tortured, and killed in barbaric ways (on meat hooks, say). They could not afford to listen to their feelings. (Considerations of just this sort led Karol Wojtyla to abandon the philosophy of the moral sentiments he learned from Max Scheler, and to search for a philosophy that drove deeper to intellectual principle and a strong moral will.)

One thing this debate is showing the nation is the difference between those who can grasp, and be swayed by, intellectual principles and those who need warmer, fuzzier comforts for their senses, imaginations, and sentiments. Thus, when Senator Hatch finds it easier to imagine life in the womb than in a clump of cells in a petri dish, he is not wrong about what is occurring in his imagination and sentiments. But those means of perception do not dig deep enough into the *what-IS-it?* of those cells. To do that, cold intellect must go to work, beyond the comfort zone of imagination and sentiments.

■

Very often in the moral life, our feelings and sentiments are horrible guides to right action.

■

And those cells are a living human being—at a very early stage, to be sure, but unmistakably human: not a rat, or a cocker spaniel, or a fish. That's precisely what makes them so desirable to researchers.

Desirable: There's a key word. It is transparent, now, how hungry researchers are to get their hands on these embryos. And perhaps on the money and the fame that beckon just ahead. As Mr. Dooley reminded us, when a fella says, 'tain't the money, it's the principle—it's the money. Suddenly, even great scientists are forgetting the basic biology still being taught in the latest textbooks: that the first appearance of *human* beings is in the fertilized egg turned embryo. Suddenly, scientists are fudging: "Well, really, the human being comes later." Let us show no respect for the human being in embryo, not now. Postpone respect until later—not for this class of human beings.

The role of *desire* is palpable. Researchers *want* this research. The political class *wants* this research. People are making themselves believe, without evidence, and despite many warning signs to the contrary, that there *will* be glitteringly good results from these experiments, and *only* good results. Desire is getting miles ahead of cool judgment. The extremely plausible horrors of the future are being systematically kept out of the imagination.

I have enormous sympathy for Christopher Reeve, and profoundly hope that, by some miracle of medicine or grace, he is suddenly healed. Yet I am also disappointed by how earnestly one whom I still think of as Superman wants to have other human beings killed, so that he might be cured. He has also plaintively mentioned that some who now don't want embryos destroyed never said a word on their behalf earlier. But in fact, some 15 years ago, the Pope and Cardinal Ratzinger took a lot of heat for their principled opposition to in vitro fertilization—that is, to the very techniques of "clumps of cells in a petri dish" and "cells in refrigerators," followed by the wanton destruction of faulty or unwanted embryos, that so many now deplore as less than human. Disagree with their moral conclusions, then or now, if your own mind leads you to. But do not say that they did not grasp, earlier than most, the intellectual principles that are now unfolding before our sentient eyes, and our recoiling imaginations, and our resistant sentiments. Do not say that everyone was silent.

We are testing a great political principle: whether a nation of the people, by the people, and for the people can form great public decisions through open public argument, reflection, and considered choice—or must forever form them by passion and bias and desire and emotional herding.

The president, though he stumbled in his moral reasoning, conceived and executed a shrewd enough political stroke to have temporarily disarmed his foes, won some time, and earned sufficient public standing to lead the nation through a great new era in our history. There was once, in the late 18th century, a "new science of politics" and, later, a "new science of economics," to both of which our Founders contributed their share of innovations. We are now engaged in learning a "new science of morals," or more exactly a new science of public moral argument.

This is the worthiest of tasks for a free society, because what is public freedom for, if not for well-argued and wise moral action? What is the point of political liberty and economic liberty, if we are to live like less-than-human animals? **NR**

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■ PUBLIC POLICY ■

Preferred Members

Affirmative action for all, except white males

JOHN O'SULLIVAN

THE Bush administration has decided to support race and gender preferences, in the very first case involving them to come before the Supreme Court this year. And this decision is being greeted on the right with what can only be called wishful thinking.

The case, *Adarand* v. *Mineta*, is the latest skirmish in a long-running legal battle over a Department of Transportation race-preference program in highway construction that began, interestingly enough, under the first Bush administration. In 1989, Adarand Constructors, Inc., was the low-bidding subcontractor on a highway program in Colorado—but lost out to a Hispanic-owned company, because the DOT gave financial incentives to the main contractor to hire a "disadvantaged business enterprise" (DBE). Adarand sued on the grounds that this was a naked race preference and thus unconstitutional—and the case was shuttled back and forth among various courts, including the U.S. Supreme Court, over the ensuing twelve years.

In the most significant decision during those years, the Supreme Court ruled 5–4 that the DOT's set-aside did not meet the strict standards required of any race-conscious federal program—namely, that it be a narrowly tailored remedy for actual discrimination caused by the government itself—and sent it back for redrafting. In response, the Clinton administration assembled reams of statistical evidence purporting to show that discrimination was rife in the contracting industry and was distorting the allocation of federal contracts so that taxpayers' money was, in effect, supporting racism; it broadened the category of those automatically presumed to be "socially and economically disadvantaged" to include women and veterans alongside blacks and Hispanics; and it sought to tailor the remedy more narrowly by ruling that individuals with more than $750,000 in wealth were ineligible for "disadvantaged" status, and thus for preferential contracts.

But the courts continued to squabble, and it was not until his last full day in office that President Clinton made the final decision to defend the preferences against a final challenge from Adarand before the Supreme Court. Doubtless he was restrained by all the legal comings-and-goings, and maybe even by the calculation that defending racial preferences was a needless risk in an election year.

By doing so, he left a hot potato very strategically on George W. Bush's new desk in the Oval Office. Would Bush endorse the defense of a racial-preference program that, according to the Supreme Court itself, had not passed constitutional muster in its earlier incarnation? And if so, what arguments would he employ in doing so? Well, as we know, Bush decided to endorse the program. What is more significant is that he is employing arguments of two very different types to justify his decision.

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The argument used by Bush spinners in the court of public opinion is essentially that the *Adarand* case is no big deal. They contend that the Bush Justice Department was bound by precedent to defend this federal program against constitutional challenge, that it would have been unthinkable to reverse the official position in mid-case; but they also assert that this decision indicates no wider administration support for preferences. (The administration is simply itching, for example, to oppose them in cases involving university admissions.)

Some conservatives accept these assurances. Tom Wood of Americans Against Discrimination and Preferences is reconsidering his early opposition in light of the argument from precedent. My esteemed colleagues Ramesh Ponnuru and John J. Miller see a "silver lining" in the decision—namely, that it will remove an obstacle to the confirmation of Gerald Reynolds to the civil-rights post at the Department of Education. And with a few exceptions like Linda Chavez, there has been a general conservative disposition not to question the president's intentions on *Adarand*.

But the arguments used in the Justice Department's brief are very different. In effect, they amount to a strong restatement of most of the arguments for racial preferences and race-conscious government policies that we have been hearing for more than 30 years: Statistical disparities are, per se, evidence of discrimination; quotas are prohibited by the program; goals are merely goals and cannot be enforced, or result in penalties; and the fact that disparities returned in states where preferences were suspended demonstrates that discrimination persists, and that race-conscious programs remain as necessary as ever. All of these arguments are either blatantly disingenuous ("goals," for instance, are quotas under another name) or highly questionable. The reemergence of disparities may, in fact, demonstrate that the preferences themselves were a form of discrimination—one that temporarily rigged the market but that, once halted, no longer prevented more efficient companies from outdoing their protected rivals. We cannot know which argument is correct because, despite the brief's impressive statistical scaffolding, no one knows which companies would succeed and which would fail in a market distorted by neither private discrimination nor government favoritism. Statistical models simply cannot incorporate all the factors that determine, for instance, why Jews are less likely to go into highway construction than Irishmen. And even if they could, it is possible that political or ideological fashion would prevent at least some of those factors from being taken into account.

All of these arguments are secondary, however, to the central conceit of the brief: that the criterion for receiving a contract under this program is not race, but disadvantage as a result of discrimination. Again, however, there is no reliable test for such a condition—other than an individual court case, which would be impractical, uncertain, and time-wasting as a method for allocating government contracts. So the brief reaches out for an easier method: "presuming" disadvantage and discrimination. When one examines the lists of people "presumed" to be disadvantaged, however, this turns out to be largely a series of racial categories: blacks, Hispanics, Pacific Islanders, etc. (The list has now, of course, been expanded to include women and veterans.) And to ensure that nobody makes a false claim of being disadvantaged, an applicant must present a signed affidavit testifying, under penalty of perjury, that he falls legitimately into this category—i.e., that he is black, Hispanic, a woman, or a veteran with a net worth of less than $750,000—whereupon he becomes eligible for privileged access to government contracts.

The little-noticed transformation of racial preferences turns up to bite the administration.

As David Tell has pointed out in *The Weekly Standard*, however, the list of the disadvantaged now accounts for more than 60 percent of the American people. It includes very recent immigrants, who have suffered relatively little discrimination as compared to, say, the descendants of black slaves. In a few years, it will probably cover the millions of illegal Mexican immigrants who are to be legalized if the Fox-Bush amnesty staggers through Congress.

Here, of course, the little-noticed transformation of racial preferences turns up to bite the administration. When racial preferences were introduced in the late 1960s, they exacted some sacrifice from 89 percent of Americans to bestow benefits on the 11 percent of Americans who were black descendants of slaves; even if those preferences were unjust, their injustice was spread very widely over the community. Today, however, preferences bestow benefits on something like 65 percent of Americans by exacting a sacrifice from the remaining 35 percent who happen to be white males. Their injustice now is real and concentrated. In other words, they are now plainly and undeniably an official program of negative discrimination against a minority: the sole remaining example of institutionalized racism in the United States. And that is as true of the program in the *Adarand* v. *Mineta* case as of any program of university admissions. But will an administration that has employed all the conventional arguments that favor race and gender preferences in this one case be prepared to reject the very same arguments in other Supreme Court cases involving preferences?

President Bush could remove any doubts on that score very easily. He could publicly repeat what some of his spinners have been saying behind the arras: that *Adarand* is a special constitutional case, that the arguments in the *Adarand* brief were inherited by his administration, that he remains firmly opposed to preferences as a matter of principle, and that he will oppose them in the next case before the Supreme Court. Nor, indeed, need he wait until then. The president has the power to issue an executive order removing such race and gender preferences in the government as rest on his authority rather than on statute law. As long as we are waiting for some such demonstration, however, it would be prudent to assume that *Adarand* represents what the president thinks and what the administration will do. **NR**

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■ PUBLIC POLICY II ■

Tired & Poor

The bankrupt arguments for mass, unskilled immigration

STEVEN A. CAMAROTA

TALKS in August involving Secretary of State Powell, Attorney General Ashcroft, and their Mexican counterparts may have produced the broad outline of an immigration agreement. It would involve a two-step amnesty, first rechristening the approximately 4 million Mexicans illegally in the U.S. as "temporary" workers, then giving them permanent residence after a period of indenture of perhaps three to five years. Even more workers would then be imported from Mexico as "temporary" workers, and would eventually receive green cards.

Most critics of this amnesty have focused on the fact that it rewards lawbreakers and mocks the law-abiding; others have argued that there is no moral reason for singling out Mexicans at the expense of other nationalities. While these are reasonable objections, few commentators have asked the larger question: Is mass unskilled immigration from Mexico really good for the U.S.? In a new study, the Center for Immigration Studies uses the latest Census Bureau data to examine the prevalent assumptions surrounding this issue—and they turn out to be myths.

The ur-justification for unskilled immigration is, "Who else will clean my pool?" And it contains a kernel of truth, with regard to Mexican immigration. About two-thirds of all Mexican immigrants are high-school dropouts, and only 4 percent have a college degree.

Mr. Camarota is director of research at the Center for Immigration Studies in Washington, D.C., and author of *Immigration from Mexico: Assessing the Impact on the United States.*

During the 1990s, Mexican immigration increased the number of dropouts in the U.S. workforce by 11 percent, while increasing the supply of all other workers by only half a percentage point. Thus, the effect of Mexican immigration on wages is confined to unskilled workers. Since the vast majority of natives have completed high school and are employed in higher-skilled occupations, most natives don't face significant job competition from Mexican immigrants.

But there's still a problem: More than 10 million adult native-born American workers lack a high-school education, and they are in direct competition with unskilled immigrants. The vast majority of Mexican immigrants work in such jobs: busboy, pool cleaner, and so on. These jobs are still overwhelmingly done by natives. The myth that immigrants only take jobs no one else wants persists primarily because middle-class Americans view most of these jobs as something *they* certainly would not want to do.

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In effect, Mexican immigration acts as a subsidy to businesses that employ unskilled workers.

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The increase in the supply of unskilled labor brought about by Mexican immigration reduced wages for high-school dropouts by about 5 percent in the 1990s—not so much because immigrants work for less and undercut natives (though that does happen), but rather because lower wages are an unavoidable byproduct of significantly increasing the supply of unskilled labor. It's basic economics: Increase the supply of something, and the price will fall.

The chief problem with lower wages for unskilled workers is that they are already the lowest paid; one need not be a liberal to acknowledge that beggaring the poor may contribute to social disharmony. It's true that these wage losses do not vanish into thin air: Lower wages for the poor should result in lower prices for consumers. But the savings are infinitesimal, precisely because unskilled workers earn such low wages to begin with. High-school dropouts account for less than 4 percent of total economic output. Thus, if Mexican immigration reduces wages for dropouts by 5 percent, prices for consumers are lowered by less than two-tenths of 1 percent. It is simply not possible for a high-tech economy like ours to derive large benefits from unskilled immigration.

Another myth has to do with welfare. While it is certainly true that the vast majority of Mexican immigrants come to work and not to use government services, there's also no question that very many end up using government services anyway. Even after welfare reform, 31 percent of all Mexican households in the U.S. use at least one major welfare program—double the 15 percent rate for natives. Clearly, one of the unintended consequences of an amnesty would almost certainly be to increase welfare costs still further.

Heavy use of welfare by Mexican immigrants stems not from moral defects or a lack of jobs, but rather from the very low incomes of Mexican immigrants. The modern American economy offers very limited opportunities for those with little education, and so poor workers or their children are often eligible for welfare programs, such as food stamps, public housing, or Medicaid.

Mexican immigrants also pay very little in taxes. By design, those with lower incomes pay much less in taxes than middle- and upper-class workers. This means that even if Mexican immigrants used welfare at the same rate as natives, they would still be a substantial drain on public coffers because their tax payments are dramatically lower.

While there is debate among researchers on the fiscal effects of immigrants overall, there is absolute consensus that immigrants with little education are a huge drain on the public budget. We at the Center for Immigration Studies estimate that the average Mexican immigrant will use $55,200 more in public services during his lifetime than he pays in taxes. In effect, Mexican immigration acts as a subsidy to businesses that employ unskilled workers, holding down labor costs while taxpayers pick up the tab for providing services to a much larger poor population. It's like any other subsidy: Businesses that receive it want it to continue, but for the nation as a whole, it's a bad deal.

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Although the economic arguments against unskilled immigration are overwhelming, many advocates of an amnesty still defend it because they feel there is no alternative. But in fact, the problem isn't nearly as intractable as it may seem. The INS estimates that each year, 150,000 illegal aliens leave the country on their own, another 200,000 get green cards as part of the normal "legal" immigration process, 50,000 illegals are deported, and about 20,000 die. In sum, the illegal-alien population decreases by at least 400,000 people each year.

Of course, something like 600,000 *new* illegals arrive annually, and thus the total illegal population continues to grow. But the numbers leaving the illegal population are still huge; if we significantly reduce the number of new illegal aliens entering the country and increase (even if only modestly) the number who go home, the problem will largely take care of itself over time.

How do we do this? In the past, our efforts to control illegal immigration have focused almost exclusively on the border. While much remains to be done in this area, the real key to reducing illegal immigration is to cut illegals off from jobs. Unfortunately, the 1986 ban on hiring illegals has never been enforced. Although highly regarded pilot programs already exist, Congress has never provided funding to develop a national verification system that would enable employers to check quickly whether new hires have the right to work. Moreover, Congress has refused to increase funding for workplace enforcement, so we are left with an almost comical situation in which 300 INS inspectors attempt to enforce the ban on hiring the millions of illegals now in the country.

An integrated program of workplace enforcement and border control would cause a steady decline in the illegal population. Even the potential economic dislocation caused by such a policy would be minimal, since there is no possibility that all illegals will magically disappear overnight. This approach would increase wages for the poor, spur productivity gains, and protect American sovereignty. An amnesty, even if it's dressed up as a guest-worker program, can achieve none of these ends. **NR**

■ **CAPITOL HILL** ■

Lust for Life

The most effective lobbyist in Washington

KATE O'BEIRNE

In the last week before Congress closed down for summer vacation, tensions were high. GOP leaders were facing high-stakes House votes on a patients' bill of rights and President Bush's energy bill; they had to pick their fights very carefully, because there was little margin for miscalculation. But they decided to bring up one particular contentious issue—cloning—and risk a humiliating defeat on it, *based on a single lobbyist's assurance that they would win the crucial vote*. A top GOP aide explains that only one outsider has earned that level of confidence. After the nerve-racking winning tally, the aide declared: "That settles it. Doug Johnson is the best lobbyist in town."

The supposed access and influence bought by big money—the stuff of nightmares among would-be campaign-finance reformers—pale by comparison with Johnson's clout. Since 1981, when he was named legislative director for the National Right to Life Committee (NRLC), Douglas Johnson has been building relationships, voting profiles, media files, and a level of influence that money can't buy. A former House staffer, who was used to lobbyists jostling each other to pick up her restaurant tabs, worked closely with Johnson for four years and laughingly recalls, "I don't think Doug ever bought me a cup of coffee."

On an unfashionable block in downtown Washington, in an office one blunt visitor describes as a "dump," Johnson directs the efforts of a couple of young assistants who spend the bulk of their time on the Hill, as well as the lobbying activities of his counterparts in the NRLC's state affiliates. The bookish father of four, including three adopted children, was labeled the "unlobbyist" by a capital veteran who "doubts that he even has an expense account." Lobbying is a lucrative business for Washington's top practitioners, but no one on the committee's staff makes six figures. While his well-heeled counterparts are enjoying leisurely lunches in the city's fanciest restaurants, Johnson is at his desk, sporting one of his signature short-sleeved shirts and the peculiar colored glasses he's taken to wearing over his regular glasses owing to a frustrating eye disorder. The "power lunch" is not a regular part of his schedule. Nancy Ruiz, a former lobbying aide, explains: "Doug used to say that he looked forward to the day when food pellets were invented so he could eliminate the bother of eating."

GOP leadership staff found Johnson at his desk, working multiple phone lines, when they called him at 1:30 P.M. on July 31. They had just learned that as many as 18 of their liberal members, recognizing that the pro-cloning bill they favored was going to be defeated, were threatening to vote against the leadership's rule governing the consideration of the alternative bills. Rules typically pass on strictly partisan votes, and being defeated on a rule usually amounts to a humiliating loss for House leaders; in this case, it would also block a vote on the cloning ban the GOP favored. "Can you get enough Democrats to pass the rule?" Johnson was asked. "Only if you hang up and let me try," was his (customarily curt) reply. Within the hour, Johnson reported that he thought he had lined up enough support for the rule, and the leadership went ahead with the vote, based on his estimate. Johnson's close relationships with sympathetic Democratic members wound up producing more than twice as many Democratic supporters for the rule as Republican defectors (34 to 15). "We gambled everything on Doug's count," says a GOP aide. The House then passed a total ban on cloning, 265–162.

Johnson, 50, has been winning the respect of Washington's political class for 20 years. One lobbyist who used to be a Senate aide—and worked with Johnson at the time—marvels that on an issue as emotional as abortion, the pro-life lobbyist is able to avoid a common pitfall: "Doug won't kid himself into thinking that he has the votes. He carefully picks his battles, then goes off and gets the votes he needs." Ruiz says that she considered her attention to detail a particular strength, until she worked with Johnson in the early 1990s and saw a man devoted

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to a metaphysical standard of accuracy. Another former lobbying aide, Nancy Lataif, recalls Johnson as a "compulsive fact-checker" for whom the smallest mistake was a "cardinal sin."

Johnson's files overflow his cluttered office; a further, dazzling source of information is his own memory. Ruiz recalls that when confronted with a troublesome congressman, Johnson was able to quote a commitment made in that congressman's primary race two decades earlier. Another former aide explains that she didn't know what to make of President Clinton's announced intention to nominate Dr. Henry Foster as surgeon general. "I figured he was an obscure Tennessee physician, but Doug immediately headed to his files because he remembered seeing Foster's name on the letterhead of an unfriendly organization."

Reporters who cover abortion issues have become accustomed to being held to Johnson's standard of accuracy. At a GOP orientation session for prospective candidates a few years ago, a reporter for *Congressional Quarterly* was explaining what politicians should do if they object to a news story, and departed from his notes to cite the prototype of effectiveness. The reporter explained that his fellow scribes approached the issue of abortion with trepidation because they knew that within hours of a story appearing, they would be sent a "three-page memo, with documentation, and the promise of a follow-up phone call" from the relentless Doug Johnson.

In the last Congress, the National Right to Life Committee tracked 20 key pro-life votes in the House—including a ban on partial-birth abortions—and the committee's position prevailed on 17 of them. Before moving to the Washington headquarters, Johnson was briefly legislative director for the Texas Right to Life Committee, and he credits the grassroots troops for the successes on Capitol Hill; but state legislative directors are quick to return the credit. Pennsylvania's Mary Beliveau explains that for almost 20 years she has relied on timely and accurate information from Johnson, in e-mails, faxes, and round-the-clock phone calls; the members of Congress she works with have also come to rely on this material. Sue Armacost in Wisconsin agrees that Johnson's thorough explanations, including background scientific material when necessary, are indispensable. In recent years, the issue of campaign-finance reform has become one of the committee's top priorities, and Armacost explains that "Doug has educated us about why it's an issue for us and other citizens' groups."

The NRLC's opposition to campaign-finance-reform plans that would impose stringent new restrictions on citizens' groups has caused a bitter feud with one of their former allies—Sen. John McCain. With a prescience his associates have come to expect, Johnson anticipated both McCain's political rise early in 2000 and the threat McCain's campaign-finance ideas pose to the activities of grassroots political groups. In 1997, when the Straight Talk Express was barely in the design phase, the NRLC ran ads opposing the McCain-Feingold legislation in Arizona—and Iowa and New Hampshire. A furious McCain struck back, and by 2000 had taken to attributing the NRLC's opposition to its desire "to continue this huge business they've got going in Washington, D.C." Johnson told friends that the accusation had them "rolling around on our ragged carpeting" with laughter.

He's 'totally honest,' says one admirer. 'Maybe we can clone him,' suggests another.

In last year's GOP primaries, there was an erosion of social conservatives' support for the previously reliable pro-life senator, owing to the doubts raised by Johnson, who also publicized an apparent reversal in McCain's longstanding opposition to *Roe v. Wade*.

Former Florida congressman Charles Canady says that getting to know Johnson and his wife, Carolyn, was one of the best parts of serving in Washington. Canady chaired the subcommittee responsible for the bill that banned partial-birth abortion, and credits Johnson with developing this issue that so successfully educated the public about abortion. Summing up why Johnson is so effective, Canady says: "He's totally honest."

A senior House Republican aide offers a proposal that might help the GOP prevail on other important causes, ones that lack an advocate with Johnson's skills: "Maybe we can clone him." **NR**

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■ **CULTURE WATCH** ■

Is Spike Lee Racist?

And other inanities from the anti-stereotype police

JONAH GOLDBERG

If Goethe was right when he said that "a clever man commits no minor blunders," then someone in the Bush White House may be poised to go down as one of the most brilliant men in the history of the Republic.

It was just one of several ideas attached to the White House's Communities of Character initiative—but it was an idea so stupid, so rich with the potential for shot feet, so pregnant with the promises of stuttering Republicans, and so devoid of an upside as to make Mrs. Lincoln's night at the theater look like a truly enjoyable evening, that it is difficult to imagine that anyone meant it seriously: The White House wants to get into the movie-reviewing business. More specifically, it wants to promote movies that (in the words of the *Washington Post*) "do not further racial stereotypes."

Of course, in today's culture, being against negative racial stereotypes is like being against abused children and crippled puppies. So it's no surprise that few in the liberal media thought twice about the idea. But lest the White House equate public silence with tacit approval of the idea, let's explore how this might work.

Now, if the White House simply wants to leak the word that "the president really liked the latest LL Cool J movie," or perhaps have Laura Bush suggest to Katie Couric that Martin Lawrence uses too much profanity, that's fine. But, according to the *Post*'s report, this initiative involves "executive actions and legislative proposals." So what form might these actions and proposals take?

Well, the most obvious recent example would have to be the Clinton administration's initiative to get more antidrug messages onto network television. In early 2000, *Salon* magazine broke the story that Clinton's office of drug policy was letting TV networks off the hook when it came to running "free" antidrug public-service announcements (PSAs) if, in exchange, they inserted antidrug messages into the scripts of shows like *ER* and *Touched by an Angel* (we all know that crack addicts are huge followers of *Touched by an Angel*). Because the PSAs were bumping paid advertisements, the networks were delighted to open ad space by inserting the "positive messages" into their programming.

Of course, First Amendment purists decried the potential for, in the words of the *New York Times*, "censorship and state-sponsored propaganda." The *St. Petersburg Times* declared, "None dare call it censorship, but in some ways it poses an even more invidious threat to the First Amendment. . . . The mass media shouldn't be used to deliver government propaganda under the radar screen. That's a violation of the public trust."

It's doubtful the Bush administration would follow that particular model. But whatever route the White House chooses would inevitably lead into a ditch. Just look at the grief monolithically liberal Hollywood gets, for not being liberal *enough*. Even Spike Lee, when he was making *Malcolm X*, came under intense criticism from the likes of black nationalist Amiri Baraka, who derided him as "a petit bourgeois Negro" who portrayed African-Americans in demeaning ways. When *Mississippi Burning*, about the KKK's murder of three civil-rights activists, was released, it was denounced for making the white FBI agents the heroes.

Television is even more contentious. *The Cosby Show*, perhaps the archetype of positive-black-role-model TV, was regularly denounced by liberal critics for not highlighting the plight of the black underclass, though there's little doubt that a network show about the black underclass would be even more vilified. Indeed, that's exactly what happened to Eddie Murphy's Claymation sitcom, *The Hughleys*. Donald Bogle's book, *Primetime Blues: African Americans on Network Television*, is the definitive *cri de coeur* against black stereotypes on TV; and in this book it is almost impossible to find a black actor in the history of TV who

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hasn't set back the cause. Bogle doesn't like strong black characters, like Dr. Benton on *ER*, because they fit the stereotype of the Angry Black Man. But he doesn't like easygoing blacks on TV, like Robert Guillaume's *Benson*, because they have sold out to Whitey.

In recent years Hollywood has responded to criticism by going overboard with positive stereotypes. For example, it's hard to find a courtroom drama on film or TV from the last few years in which the judge isn't played by a black man or, more frequently, a black woman. This cliché probably began when Brian De Palma feebly adapted Tom Wolfe's *Bonfire of the Vanities* for the big screen. According to Julie Salamon in her book on the making of the film, De Palma ran into the "problem" that the only truly redeeming character in the script was the Jewish judge, Myron Kovitsky. De Palma came under pressure, according to Salamon, and eventually cast the judge as a black man, played by the always virtuous Morgan Freeman.

A similar dynamic has forced the creation of the Anachronistic Black Man. This is the African-American character who is wildly out of place in the time the film depicts. Slaves who talk like Harvard grads and black cowboys whose ethnicity seems trivial can be found in a host of films. Perhaps the best recent example was in the film *U-571*, in which a black galley cook on a (segregated) World War II submarine not only bellows orders to the white crewmen and hobnobs with the officers, but is also an expert submariner himself. He even knows how to drive a *German* U-boat without instruction.

This particular sort of celluloid affirmative action may have been born in the 1978 Viking epic *The Norseman*, starring Lee Majors, in which a crew of self-described "blond warriors" sails to the Florida coast off Tampa to save an earlier Viking expedition held captive by Indians. But you need not look closely to see what's wrong with the picture: One of the Vikings is played by Deacon Jones, the NFL Hall of Fame defensive end. Jones is a very large black man.

Hollywood's efforts to placate its critics by portraying blacks in more admirable roles have encouraged other groups to demand similar treatment. This is the second problem with getting into the stereotype-policing business: There's no end to it. When the television networks announced their fall lineup a couple of years ago, the NAACP lambasted them for not having enough black shows and black characters. The networks caved in to the criticism within days and announced they'd churn out some good black shows and characters, ASAP. Smelling blood in the water, the National Council of La Raza jumped in with its own boycott.

But the most energized arm-twisters are gay groups. *The Silence of the Lambs*, *Basic Instinct*, and *Braveheart* were all denounced by the Gay & Lesbian Alliance Against Defamation (GLAAD), which is currently protesting *Jay and Silent Bob Strike Back*, the new film by *Clerks* director Kevin Smith. Even Oliver Stone's conspiratorial screed *JFK* was criticized for its "gratuitous" negative portrayal of homosexuals. Today, GLAAD has de facto veto power over negative gay stereotypes—which is why homosexual characters are usually the most chaste and well-adjusted people on screen.

Then, of course, there are the Native Americans, who are to be depicted only in the most positive light. "Indians are about the environment, sensitivity, and culture," Bonnie Paradise, executive director of the American Indian Registry, told the *Los Angeles Times*; anything that messes with that image will experience their wrath. Even *Dances with Wolves*, perhaps the most relentlessly P.C. western in Hollywood history, didn't pass muster with Paradise. Too many Indians were "stone-faced," she explained to the *Times*. "When are we going to be portrayed as happy Indians?"

It doesn't stop there, because this sort of thing never does. Feminists ridiculed *The Hand That Rocks the Cradle* as "Natal Attraction," because it suggested that working moms put their kids in danger. When Disney adapted Jack London's *White Fang*, Defenders of Wildlife denounced the film as "anti-wolf" and forced the producers to include a "pro-wolf disclaimer."

Does anyone really think this is the sort of argument the White House should join? One of the first rules of politics is never get in the middle of a fight between your opponents. If Hollywood and the identity-politics Left want to be in a permanent shouting match, why should the White House get in their way? **NR**

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■ CULTURE WATCH II ■

Do Tell

The enduring importance of gossip

JOHN DERBYSHIRE

SCRUTINIZING the news from Brazil last week, I spotted the following.

> SÃO PAULO (Reuters)—Rumor, the great ill born from small beginnings, has been banned among municipal employees in the Brazilian city of Cascavel, the city councilman who drafted the law said on Wednesday. Public servants who gossip may now face official reprimands, obligatory professional sensitivity training and even suspension or dismissal in certain cases.

Lots of luck to that dour councilman and his "sensitivity trainers." A ban on gossip? I fear he is spitting into the wind. The love of gossip appears on anthropologist Donald E. Brown's list of "human universals"—traits found in all human societies (though not necessarily in all human beings)—along with fear of snakes, envy, kinship categories, religious belief, and taboos about sex and the elimination of bodily wastes.

It is true that gossip has never had a good press, even though the *actual* press spends vast amounts of money to gather and disseminate it. It seems to have been condemned by Jesus (Matthew 12:36–37), and has suffered by association with its less appetizing cousins, rumor and slander. The word "gossip" brings to mind the malicious nattering of old women, the idle talk of idle tongues, and the obnoxious Don Basilio's aria promoting the efficacy of "La calunnia" in *The Barber of Seville*. There are snobs who will tell you that gossip is a low and mean activity, beneath the consideration of serious folk. A priggish schoolmaster of mine used to say (or possibly quote—but I have not found any other reference): "First-class people talk about ideas; second-class people talk about people; third-class people talk about things."

Well, that is all nonsense. I have mixed with a good many people who I feel sure are first class—the staff here at NATIONAL REVIEW come to mind—and there was never one of them that did not listen more keenly to a titbit about Princess Di, Mrs. Helmsley, Donald Trump, or Gary Condit than to whatever I had to say about postmodernism, race relations, or the heat death of the universe. I even think I caught a glint of admiration in a colleague's eye when I recently revealed that I have not bought a copy of the *New York Times* for some years. We are *New York Post* subscribers here in the Derbyshire household. Why? Three full-time gossip columnists and the Page Six roundup, that's why. Why should I read the *Times*? I can get all the news I need on the Internet, and I parted company with the Gray Lady's op-ed pages long ago.

Neal Travis

Ol' Blue Eyes' pad is red hot

THE ultimate trophy property has just been put on the market by **Barbara Sinatra**. Frank's widow is selling their Foothill Drive home in L.A., completely furnished with the stuff she and Ol' Blue Eyes lived with during their very happy marriage.

She's asking something like $11 million, but I think it will be bid up way over that.

"It's a beautiful, plush, total home. Just the thing that would appeal to a movie star — but that most of them don't know how to pull together," says world-famous designer **Ann Downey**. Ann is right now working on Barbara's new pad, a stunning 7,500-square-foot penthouse in Beverly Hills. "It's heaven," she says. "Barbara's going to be very happy there."

Ann and the Sinatras go way back. Her late husband, troubadour Morton Downey, and Frank were close friends for more than 40 years, and Frank and Barbara were regular guests at the Downeys' Palm Beach mansion.

Professionally, she decorated the magnificent apartment Barbara and Frank bought in the Waldorf Towers. "It was one of the happiest assignments of my career," she tells me. "A while after I'd finished the job, Frank called and asked me to come over. The snow was falling and the city looked so wonderful. He put a record on the turntable — the unrecorded song 'New York, New York,' which was to become one of his trademarks."

Irish Bubba bait

PERHAPS **Robert Gottlieb**, who'll edit **Bill Clinton**'s $8 million book for Knopf, should be brushing up on his fishing skills. I now learn that the former president has narrowed his search for a home in Ireland to the scenic Blackwater River Valley.

This is a piece of incredible beauty near the lovely old town of Kinsale, where I first reported Clinton was looking for a home to hang his cowboy cap. The valley's river is a renowned salmon fishing spot. "Some of the locals have been known to go poaching the salmon there by moonlight," a source tells me. "They sound like Clinton's kind of people, and he could maybe have some fun and join them one night."

Other sources say Clinton wants to complete a quick deal on a house so he can start work on his book and be in residence not too long after daughter **Chelsea** graduates.

I suppose he could just Fed-Ex chapters to Gottlieb as he finishes them, but the inflated editor-lobo spent some post-college years in Britain will probably be only too pleased to fly over for hands-on sessions with his new author.

McCourt-ly get-together

SPEAKING of things Irish, author **Frank McCourt** and his wife, **Ellen**, just had a house-warming party at their new estate in Roxbury, Conn. Maybe it was tongue-in-cheek, or maybe Frank wants to speed up the peace process, but the theme was the wedding. Boldly English pursuit of croquet, and everyone dressed in white pants and blazers. Frank's writing/raconteuring brother, **Malachy**, provided a full-time commentary on the players, who included **Mia Farrow** and the eventual winner, **Arthur Miller**.

Let's have more of Les!

That's rocker Slash of Guns N' Roses giving a hand to electric-guitar pioneer Les Paul at Broadway's Iridium jazz club, where Gibson Guitars held a bash marking the 50th anniversary of the Les Paul Standard guitar. Les, going strong at 86, still has a regular Monday-night gig at the club.

While **Clark Wolf**, **Steve Tisch** and Danish-born designer **Isabel Kristensen** School Street owner **Stuart Kreisler** will be hosting a rowdier kind of crowd next Saturday at his other place, The Laundry in East Hampton, where they're having the after-party for the Artists & Writers charity softball game.

He's still boldface

Abject apologies to **Armand D'Amato Sr.**, whom I stupidly killed off in yesterday's report about his son's birthday party. Poppa D'Amato, who's [illegible]

I often wondered whether actual gossip columnists are altogether able to resist this temptation.

Perhaps under the influence of that silly schoolmaster, I myself disdained gossip for many years, and was late in developing a proper appreciation of it. Gossip passed me by, somehow; or, if I heard it, I didn't connect the dots. As assistant to the Grand Vizier in the court of some Oriental despot, my younger self would have been garroted within a week for not knowing who was up and who was down.

Similar, though less terminal, things did in fact befall me from time to time as a result of my late development in this area. I once worked briefly on contract

Nor, in a celebrity-crazed society, does anyone much mind being the subject of gossip. This era of insouciance was heralded by Oscar Wilde: "There is only one thing in the world worse than being talked about, and that is not being talked about." Lawsuits against gossip columnists are rare, and generally taken to reflect poorly on the plaintiff, indicating a lack of sporting spirit.

We generally think of gossip as a feminine activity, but this is not at all the case. Some of the best gossip columnists—Nigel Dempster in London, Neal Travis in New York—are men. Probably the greatest gossip columnist of our time, if he ever felt the need to concentrate on that line of work, would be Taki Theodoracopulos. The best-known fictional practitioner of the trade, Adam Fenwick-Symes of the *Daily Excess* in Evelyn Waugh's *Vile Bodies*, was male, as was his rival, Lord Vanburgh of the *Morning Despatch*. Fenwick-Symes got into the habit, when he could find no real socialites to write about, of populating his columns with the products of his own imagination—who were then, of course, taken up by Lord Vanburgh:

> Adam began gradually to introduce to his readers a brilliant and lovely company. He mentioned them casually at first in lists of genuine people. There was a popular young attaché at the Italian Embassy called Count Cincinnati. . . . Adam saw him dancing one evening at the Café de la Paix. A few evenings later, Lord Vanburgh noticed him at Covent Garden, remarking that his collection of the original designs for the Russian ballet was unequalled in Europe.

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to a company named Unilever Data Services in London. Soon after I arrived, the firm was taken over by Ross Perot. I was the last to know about this, finding out about it at lunchtime the following Friday, when I went to the local pub. Well into the 1980s—when this happened—it was the custom for London office workers to take a long liquid lunch on Fridays. To turn up at your desk sober on a Friday afternoon was considered very bad form. Well, Mr. Perot had apparently heard of this fine old custom, and did not approve. Drinking was banned during office hours. On that particular Friday, I ran some lunchtime errands, and then made for the pub, expecting to find my colleagues already a pint or two ahead of me. In fact, they were all back at the office poring diligently over project plans. Mr. Perot did not approve of contract employees either, so I was terminated the following week—another surprise. Everybody knew this stuff but me. I had never even *heard* of Ross Perot.

As this example suggests, a proper attention to gossip (together with some power of discrimination in evaluating its quality) has plain survival value for a social animal. It would not be difficult to work up an evolutionary argument to account for the universality of gossip; probably one of our neo-Darwinian authors has already done so. For myself, experience has taught me that it is wise, when taking up work in a business office, to find out which colleague is most diligent at acquiring and transmitting gossip. The world is somehow organized so that every office has such a one, just as every office has a bore, a lush, a manic-depressive, and a case of halitosis.

Make friends with this person—who, again, is at least as often a man as a woman—and you will never be caught napping by dramatic reversals of company policy, mergers and buyouts, sensational firings, or the discovery of illicit office romances. You will also have plugged yourself into a limitless source of entertainment and instruction, for if the proper study of mankind is man, there is no more worthy topic of conversation than the foibles, follies, tribulations, and triumphs of our mutual acquaintances. **NR**

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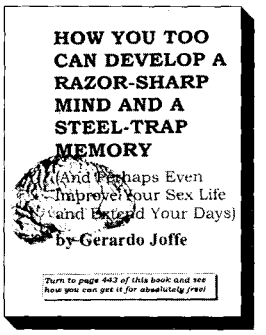
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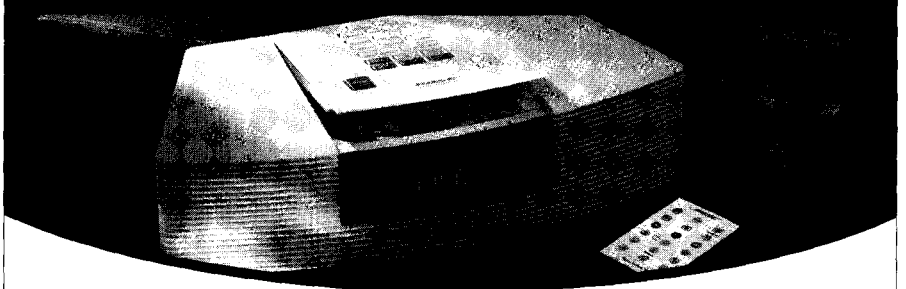

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■ COVER STORY ■

The Post-Columbo Era

How the courts killed good detective work

WILLIAM TUCKER

I THINK the cops are having a tough time cracking the Chandra Levy case? Try this one on for size.

Samiya Haqiqi, a 24-year-old law student at Quinnipiac College in Connecticut, drove to New York City on a Friday night in November 1999 to meet her boyfriend for dinner. She intended to break up with him. The next day her car was found abandoned in a Grand Union supermarket parking lot. She has not been seen since.

Suspicion quickly fell on the boyfriend. He claimed she never made the dinner engagement. When police asked further questions, he hired an attorney and invoked his Fifth Amendment rights. Although Haqiqi's relatives urged the Queens district attorney to issue a search warrant for the boyfriend's apartment, the D.A. refused, saying there was no "probable cause." Shortly afterward, the boyfriend moved to Canada.

A year later, the Queens detective bureau announced that Haqiqi was the victim of a "violent crime" and that the boyfriend was the suspect; but nothing happened. Last week, Detective Steven Brown of the 109th Precinct said the boyfriend still remains the principal suspect—but no arrest is imminent. "It's generally more helpful when the suspect cooperates during an investigation," he said. Any physical evidence that would tie the boyfriend to the disappearance is, of course, long gone.

At the heart of the Chandra Levy case is a grim fact of life: We are living in the post-Columbo era. Many traditional aspects of detective work have been abandoned; in fact, much of what detectives once did is now illegal. The only thing that keeps the wheels of justice turning is that most people don't know this. "People only talk to the police because they think it will look suspicious if they don't," says an experienced Manhattan assistant district attorney. "What they don't realize is that the police aren't allowed to draw that negative inference."

Defense attorneys, of course, know it all by heart. That's why you'll always hear them holler that a defendant "wasn't properly represented" when someone is convicted of a crime, particularly a death-penalty case. It's true: If *all* Americans knew their rights, very few people would ever be arrested for anything.

This situation is the outcome of the 1960s Supreme Court reforms, particularly *Mapp* v. *Ohio* (1961) and *Miranda* v. *Arizona* (1966). *Mapp* extended the Fourth Amendment's search-and-seizure protections and search-warrant requirements to the states. *Miranda* extended the Fifth Amendment's protections against self-incrimination all the way back to the police station, establishing the "right to remain silent." Both decisions were reinforced by an "exclusionary rule," which said that if a defendant's rights were violated in the course of an investigation, the resulting evidence must be excluded from court.

Since that moment, the main strategy of every defense attorney has become to "put the state on trial" by challenging investigative procedures. As a result, absurdities have prevailed. Warrants were voided because of misspellings and typographical errors. Purely voluntary confessions recorded on videotape were thrown out when defense attorneys said their client "couldn't have possibly understood his rights or else he wouldn't have admitted to this crime."

Now something even worse has happened. District attorneys and police departments have become very good at abiding by the new rules; procedural mistakes are rare, and D.A.'s are very circumspect in asking for search warrants. There's only one problem: Now that the police are abiding by the letter of the Supreme Court directives, there are more and more unsolved crimes.

This is the clear and disastrous consequence of the Court's misinterpretation of the Fourth and Fifth Amendments. As the Fifth Amendment now stands, *no one has to cooperate with the police.* You don't even have to give the police your first and last names. If you are caught in a compromising situation or even standing over a bloody corpse, all you have to say is, "Talk to my lawyer." Your lawyer, of course, will tell you to keep quiet.

Mr. Tucker is the author of *Vigilante: The Backlash Against Crime in America.*

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But that's not the difficult part. The real problem is that *the police are not allowed to draw any negative inference* from this refusal to answer questions. In other words, the police aren't allowed to *think*—and that makes a crucial difference when it comes to asking for search warrants. The Fourth Amendment says that "no warrants shall issue, but upon probable cause." What constitutes probable cause? It can't be a hunch. It can't be just circumstantial evidence: The fact that someone is standing over a bloody corpse doesn't mean he's done anything wrong; he could have just happened by. If the suspect declines to give any explanation of the circumstances, there may be no grounds for *initiating* an investigation. Detective work quickly hits a stone wall.

Here's how it works in practice. On November 7, 1997, Michael Sullivan, a 54-year-old actor and art-gallery clerk, and Camden Sylvia, a 36-year-old artist and real-estate agent, who shared a Lower Manhattan apartment, mysteriously disappeared. Suspicion quickly fell on their landlord, Robert Rodriguez, who ran a locksmith shop on the building's first floor. Sullivan and Sylvia had long been at odds with Rodriguez over their $300-a-month rent-stabilized apartment. The couple claimed he was not providing them with heat, and had told him that day that they would be withholding their rent.

On November 15, police set up an interview with Rodriguez to pick up the keys so they could search the couple's apartment. Rodriguez never showed up; indeed, he disappeared altogether. Manhattan police determined that he lived on seven acres in upstate Orange County, and asked Orange County police to search the property. Manhattan District Attorney Robert Morgenthau decided, however, that there was not "probable cause" for a search—and no warrant was issued. Without a warrant, Orange County cops could only send dogs to sniff the perimeter and fly helicopters over the property looking for freshly turned earth. (Both searches, incidentally, were probably illegal.)

On November 24, Rodriguez's van turned up, parked overtime in a Manhattan commercial lot. Police confiscated the van. They contacted Rodriguez's wife, but she refused to let them search it. Once again, D.A. Morgenthau ruled there was no "probable cause" for a search, and the van was released without being checked for evidence. Meanwhile, it was discovered that one David King, a former Rodriguez employee, had also disappeared mysteriously in 1991 in the midst of a dispute with the locksmith. King has never been found.

On December 9, Rodriguez resurfaced in the company of his lawyer. He met with police but refused to answer any questions. By this time friends and family of the missing couple were picketing the D.A.'s office demanding action, but Morgenthau still refused to request a warrant. The case came to a dead end. The couple has never been found.

Such "unsolved mysteries" are now becoming routine. In the JonBenet Ramsey case, the parents initially told police the little girl was missing. While the police were searching the house, the father discovered the body in an unused basement room and carried it upstairs, effectively destroying the crime scene. A highly suspect ransom note was found. Most compelling, there were no footprints leading to or from the house—in a fresh snowfall. Both parents were obviously suspects, but they didn't sit down with police for separate interrogations until months later—after extensive negotiations.

When Manhattan PR superstar Lizzie Grubman backed her van into a crowd at a nightclub on Long Island, she quickly fled the scene. Less than an hour later, someone called the police and said where she could be found—apparently in an attempt to help her avoid charges of leaving the scene. When police picked her up, however, she refused to say anything. Because the police could not even establish that she had been in the car, there was no probable cause for administering a Breathalyzer test. Thus she avoided charges of driving while under the influence.

The Supreme Court's great mistake—the one that led to all these absurd consequences—was in assuming that interrogations involved beating confessions out of people. That was never the case. In the Age of Columbo, the main purpose of interrogations was to get statements from the suspect that could be verified as true or false. It was not forced admissions, but rather falsehoods and contradictions, that incriminated people. Many an episode of *Columbo* ended with the guilty party suddenly realizing he has been caught in a lie. Crescendo. Fade to black. Commercial. It was simple and elegant.

■

The Supreme Court's great mistake was in assuming that interrogations involved beating confessions out of people.

■

The little-noticed anomaly of the Chandra Levy case is that Congressman Gary Condit *has* been required to give an account of himself. Legally, he did not have to let the police search his apartment. Nor did he have to say a word about his relationship with the intern. The hearsay evidence from Levy's relatives about their relationship probably wouldn't constitute "probable cause" for an investigation. It is only because of his high profile as a congressman that he has been pressured into cooperating with police.

What is truly ironic is that, even as the courts have limited detectives' work on criminal cases, the investigative powers of *civil* complainants have been wildly expanded. As Walter Olson documents in his book *The Litigation Explosion*, over the last 30 years the "interrogation" and "search-and-seizure" powers of trial lawyers have been broadened beyond recognition.

Depositions—originally a means of recording the testimony of people who couldn't physically make it to court—have become an all-purpose interrogation tool for private attorneys. If you are sued for divorce or charged with sexual harassment, you can be required to sit with the plaintiff attorney and answer questions pertaining to your sex life, your personal affairs, or any and all private matters. You have no right to remain silent. Failure to cooperate can result in contempt of court. All you can do is hire your own lawyer to

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advise you. You must open your bank account and complete financial records. You must submit to examination by a hostile psychiatrist and give hair, blood, and urine samples to check for drug abuse or venereal diseases. In Olson's words, "there's a presumption in favor of intrusiveness."

The discovery process has also been co-opted. In 1970, under tremendous pressure from the civil bar, the federal rules of civil procedure were amended to allow litigators access to any and all private papers. Once severely limited in scope, discovery procedures now allow plaintiff attorneys to search for anything they choose. Plaintiffs can demand corporate records going back 50 years. They can summon individual diaries, notebooks, or random doodlings. In a divorce case, you can be asked to provide names of all visitors to your house since the separation. "All this offers plenty of room for 'fishing expeditions,' where incriminating evidence turns up by serendipity," says Olson. Such random searches, of course, are exactly what the Fifth Amendment was designed to protect against; but there are no Fifth Amendment rights in civil cases.

What's going on? The obvious answer is that lawyers have seized control of the system and are running it for their own benefit. In criminal law, district attorneys are salaried public servants with very little financial stake in the system. Defense attorneys are the high rollers, making huge payoffs by establishing a good record among indigent defendants and then switching to wealthy clients. Many of the best defense attorneys are now becoming all-purpose public-relations agents, holding press conferences, conducting their own investigations, casting aspersions on other suspects, and issuing daily statements that begin, "My client says . . ."

On the civil side, however, it is the *plaintiff* attorneys who are the high rollers. Countless lawyers have become rich bringing "strike suits" against small technology companies that let their earnings slip, or class-action suits on asbestos or breast implants. Expanded discovery and depositions are the tools of the trade; under these circumstances, it is not at all surprising to find the whole legal profession coming down on the side of *limiting* police procedures while *expanding* the investigative powers of plaintiffs.

The only loser is the public interest—specifically, the broadly diffused interest that everyone has in seeing crimes solved. "I don't know about you but I'm getting tired of bad police work," says commentator Bill O'Reilly. "If the police can't solve the murder of a six-year-old girl in her own home, what can they do?" Unfortunately, it's not bad police work we're viewing. It's the new American justice system.

Of course, even this system has its limits. The Manhattan D.A.'s office eventually got sick of taking criticism on the Rodriguez case and started an investigation of the locksmith's tax records. It managed to convict Rodriguez on charges of tax evasion and credit-card fraud. He is now doing eight years; everyone knows he is actually doing time for a double murder for which he has never been tried.

The original *Mapp* and *Miranda* decisions hoped to end "arbitrary" procedures by the police. Stretched beyond all logical limits, however, they have produced a justice system that is even more arbitrary and capricious—a clear and present danger to the public good. **NR**

Bush to a 'Tee'

The president's most heartfelt values initiative

BYRON YORK

At the first White House tee-ball game, played on the South Lawn in May, a seven-year-old batter stepped to the tee, took a big cut, missed the ball, stepped back, took another swing, and sent a hard line drive to right field. It looked like a sure hit, until a young outfielder snagged it with a quick jab of his glove. With that, George W. Bush, sitting in the bleachers along the first-base line, jumped to his feet. "What a *catch!*" the president yelled, laughing and applauding and appearing more excited than some of the parents around him, many of whom remained in their seats.

It was a spontaneous burst of enthusiasm from a man who seemed delighted to be watching baseball in his backyard—even tee ball, played by kids eight and under with no pitchers and no keeping score. But tee-ball games (three so far, with another scheduled for September) are more than just entertainment for former Texas Rangers owner George W. Bush. That was clear before the first game even began, when the president delivered a brief, off-the-cuff homily to the players and parents.

"I also want to thank . . . coaches all across America," Bush said as he paced around the infield, "who help young men and women understand the importance of teamwork and playin' by the rules, and help young men and women understand that baseball is a *fabulous* sport." Bush thanked the parents "who love their children every single day and love 'em so much that they're willin' to go out and watch 'em play Little League baseball." Dropping every g in sight, Bush continued: "There's nothin' better than knowin' that America is full of lovin' moms and dads who are at the ballparks every day as the summer unfolds." Finally, Bush turned to the teams and led the players in reciting the Little League pledge: "I trust in God. I love my country and will respect its laws. I will play fair and strive to win. But win or lose, I will always do my best."

It was simple and heartfelt and . . . *corny*, in a way not often heard in official Washington. And Bush seemed to love it; during the game he appeared as engaged and happy as at any time during his six months in the White House. For Bush, tee ball is not only a way to nurture a game he loves—he often frets that not enough kids are playing Little League ball—but a way to do precisely what some of his liberal critics feared he would do: promote a return to 1950s values in America. Much more than his upcoming values initiative called "Communities of Character"—a grab bag of politically popular mini-programs devoted to topics like good citizenship and teenage sexual abstinence—Bush's South Lawn gatherings are the real thing. If you want to see the real Bush values agenda at work, watch him at the tee-ball games.

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Police end marijuana seizures

New effort to halt tide of hard drugs

Special report: drugs in Britain

David Rose, Anthony Browne and Faisal Islam
Sunday July 8, 2001

The Observer

Britain is to abandon the hunt for cannabis smugglers and dealers in the most dramatic relaxation of policy on the drug so far.

Instead the Government has told law enforcement officers, including Customs officials and police, to target resources on 'hard drugs', such as heroin and cocaine.

Under the new strategy - part of the most radical shift in drugs policy for a generation - large-scale cannabis seizures and prosecutions will now take place only as a by-product of investigations into Class A drugs.

Last week with the blessing of Home Secretary David Blunkett, police in Brixton, south London, abandoned their policy of prosecuting people found with small amounts of the drug.....

The relaxation of policy on cannabis follows changing public attitudes to the drug. This weekend senior Tory MP Alan Duncan supported Peter Lilley, the former deputy leader of the Conservative Party, who called for the legalisation of sale of the drug in licensed outlets.

Ash director Clive Bates said: 'We would legalise cannabis in its non-smokable forms, such as in cakes, tea or droplets. There's irrationality and inconsistency in the policy on tobacco, soft and hard drugs. Even if you legalised cannabis in its smokeable forms you couldn't come close to the harm done by cigarettes, because no one smokes 20 joints a day.'

Can we learn from the Brits?

Kevin B. Zeese, President, Common Sense for Drug Policy
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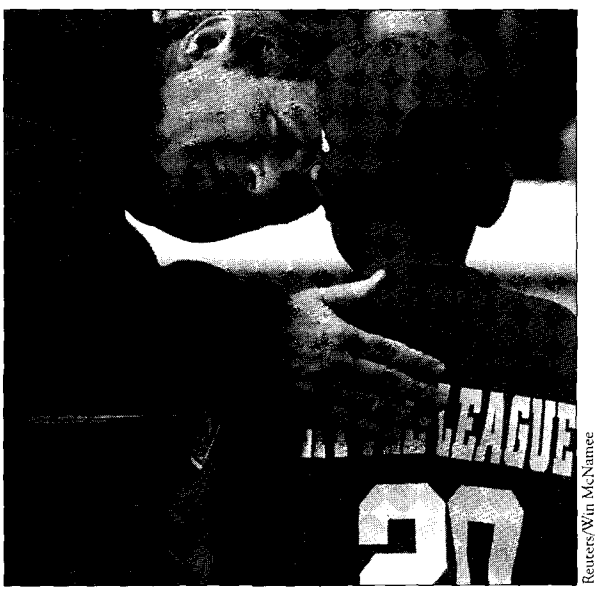
LITTLE LEAGUE IN MIDLAND

Bush is the first president to have played Little League baseball. To say he loved it would be an understatement; last year, when Oprah Winfrey asked him to name his fondest childhood memory, Bush answered simply, "Little League baseball in Midland." His mother and father were both boosters; in the 1980s, Little League named its parents-of-the-year prize the George and Barbara Bush Award. During the 2000 presidential campaign, sensing that they might soon have an alumnus in the White House, Little League officials did some research and found the four original rosters for George W. Bush's teams from 1955 through 1958. They're now on display on the league's website.

After the election was decided, league officials sent Bush adviser Karen Hughes a package of information about Little League. The material stressed the old-fashioned values of the league pledge and suggested that there might be projects that Little League and the White House could do together. "We said if there's anything Little League can do for the White House, just let us know," says league official Lance Van Auken.



Reuters/Win McNamee

Bush and tee ball: a natural fit

As it turned out, there was. In late March, Van Auken got a call from the White House saying the president wanted to hold games on the lawn. White House officials asked Van Auken and Little League to handle most of the details: picking the teams, rounding up volunteers to provide equipment, and designing uniforms—both teams are called the South Lawn Sluggers. Tee ball was chosen not only because of the appeal of young kids but because it would not be possible to play real baseball on the White House lawn; nobody wanted to worry about hot foul balls flying all over the place.

Bush announced the games on March 30, when he hosted a White House reception for members of baseball's Hall of Fame. The gathering was an occasion for Bush to wax lyrical, at least for him, about the game. "Everyone who loves baseball can remember the first time he saw the inside of a real major-league park with real big-league players," Bush said, describing the first game he ever saw, at the Polo Grounds in the 1950s. "It stays with you forever: the greenness of the grass, the sight of major leaguers in uniform, the sound of a big-league swing meeting a big-league pitch.

"In a small way, maybe we can help to preserve the best of baseball right here in the house that Washington built," Bush continued. "After we moved in, I pointed out to a great baseball fan, the First Lady, that we've got a pretty good-sized backyard here. And maybe with the help of some of [the] groundskeepers, we could play ball on the South Lawn. . . . So for the next four seasons, we're going to invite kids here from the area to play tee ball on the South Lawn of the White House."

In May, two days before the first game, Bush discussed his hopes for tee ball when he hosted a White House reception for the World Series champion New York Yankees. Telling the players that the games would be "a chance . . . to celebrate the great sport of baseball," Bush then gave the world a hint about the game's place in the presidential worldview. "Yankee Stadium is hallowed grounds," Bush told the team. "So is the White House."

A FIFTIES GUY

When Bush first announced the tee-ball games, he met with a certain amount of derision from the talking-head corps. "It's obviously a public-relations stunt," political scientist and pundit Larry Sabato told the *Los Angeles Times*. "Bush used to say that he will restore honor and integrity to the White House. Now he should amend that and say he's restoring honor, integrity, and the 1950s to the White House."

Sabato was echoing a common liberal critique of Bush as a man determined to return America to the 1950s. Maureen Dowd has called him "Eisenhower with hair." Molly Ivins has called him "President Let's-Bring-Back-the-1950s." And dozens of other critics have suggested Bush wants to "turn back the clock" to an earlier era.

As silly as that commentary seems, the critics have a point—although it's one they might not want to acknowledge. When they talk about the 1950s, they conjure up a politically correct nightmare of racial injustice, sexual repression, and gender inequality. But Bush's 1950s is something else entirely. It's the Little League pledge (which was, indeed, written in the '50s by then-Little League president Peter McGovern). It's God, country, and fair play—things George W. Bush learned about in the first decade of his life. For Bush, Midland Little League was in the '50s. That first, magical visit to the Polo Grounds was in the '50s. And his most treasured baseball heroes played during that time. "I'm just a little biased toward those of you who played back in the '50s," Bush told the Hall of Famers in March. "It was my prime as a baseball-card collector . . ."

The invocation of '50s values also has a political usefulness for Bush. It's no accident that the tee-ball games are produced by the White House Office of Communications, which is responsible for helping shape Bush's message on a wide variety of topics. In this case, advertising the image of a president with take-me-out-to-the-ballpark values is a powerful part of Bush's campaign to differentiate himself from his predecessor. While Bush's supporters believe he returned honor and dignity to the Oval Office simply by moving in, the tee-ball program illustrates the extent to which, after more than six months in office, the Bush White House still

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wants to make sure everyone knows that George W. Bush is the opposite of Bill Clinton.

"It's clear that America thinks this is a president who's honest, who has dignity and character," explains an administration official. "They've had enough of the last eight years. Because of all the foolishness that was happening in the White House back then, tee ball is almost like a wave of fresh air. The picture was on the front page of every major paper—*Los Angeles Times*, *New York Times*, *Washington Post*. The point is, tee ball isn't the *reason* people like him, but it's initiatives like this . . . that show the wholesomeness factor and will allow him to be one of the more successful presidents."

COMMUNITIES OF CHARACTER

Eddie Garretson hit it off with George W. Bush right away. A northern Virginia construction manager, Garretson is a coach in what is called the "Challenger Little League," a special Little League program for disabled kids, and his team took part in a White House tee-ball game in July. "A more sincere person, I don't think I've ever met," says Garretson, who, like Bush, was a catcher in Little League years ago. "We talked about the past, about what it was like catching back then, about our flannel uniforms, which were hot as the dickens."

Other parents and coaches report the same sort of reception at the White House; so far, tee ball has been a very big hit. And it's still going on. In addition to having Bush visit the Little League World Series in August—a first for a sitting president—the White House plans one more South Lawn game for September, and then it's on to planning for next year. "These games will go on for four years, and hopefully eight," says an administration official. "It's a natural fit for the president."

It's a natural fit because everybody knows Bush loves baseball. What is likely to be a less natural fit is the upcoming "Communities of Character" campaign—which, in its political aspect, will be an attempt to increase Bush's popular support at a time when he will be engaged in knock-down, drag-out fights with Congress over the budget, patients' rights, and other contentious issues. The irony of a White House beginning a series of quintessentially Clintonian initiatives—even as it tries to stress the contrast between George W. Bush and Bill Clinton—has not been lost on Bush's critics in both political parties. Beyond that, there are worries about whether Bush can pull it off. While Clinton—who used small-bore initiatives to help distract the public from the scandals that engulfed his presidency—had the salesmanship to push programs that meant little to him, Bush does not.

And that's what makes tee ball unique: It means *a lot* to George W. Bush. When he's using baseball to preach about values, Bush has a genuine passion that cannot be readily transferred to other topics. Sure, encouraging grandparents to use e-mail to correspond with their grandchildren—one of the Communities of Character initiatives—is a worthwhile idea. But if Bush wants to make a genuine statement about values—straight from his heart, as he might say—perhaps he should stick to tee ball. **NR**

Untrustworthy

The Democrats on Social Security reform

RAMESH PONNURU

FOR Social Security reformers, the good news is how quickly the public has moved forward. People have become more receptive to the idea of investing some of their Social Security payments themselves. Exit polls from the 2000 election found that 57 percent of voters supported that reform. The bear market has cut that support, but only a little. The bad news, though, is that reform is going to have to win the backing of a significant number of congressional Democrats to get enacted. And the Democrats—even their best and brightest—are moving backward.

Most liberals have never supported a free-market overhaul of Social Security. In the past, though, many of them were at least willing to concede that the program was ailing. Reining in entitlements was even something of a good-government liberal cause, especially as liberals worried that runaway spending for the elderly was crowding out other federal programs they wanted.

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As the prospect of Social Security reform based on personal investment has drawn nearer, liberals have started digging in their heels.

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Then two things happened. First, liberals lost political power—and it became clear that much of their remaining power derived from the popularity of federal entitlements. President Clinton came back from the irrelevance to which the 1994 elections had seemingly consigned him by depicting Republicans as a threat to Medicare. Second, conservatives began to dominate the debate over how to solve Social Security's problems. As the prospect of a reform based on personal investment has drawn nearer, liberals have started digging in their heels.

The Democrats' resistance to reform, and the lengths to which their court economists will go to rationalize that resistance, was on exhibit in July, when President Bush's commission on Social Security released the draft of its preliminary report. Alan Blinder, a Clinton appointee to the Federal Reserve and an adviser to Al Gore last year, told the *Washington Post* that the report "tries to create a sense of crisis when there isn't a crisis." He added, "It is irresponsible to frighten people." Robert Matsui, a Democratic congressman from California, said that the commission should be disbanded.

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New York Times columnist Paul Krugman met his readers' expectations by being the shrillest of the report's critics: He called it "sheer, mean-spirited nonsense." Lest anyone miss his point—to judge from his repetitiveness, this appears to be a constant fear of Krugman's—his next column called the report "biased, internally inconsistent and intellectually dishonest." Blinder joined three other heavyweight liberal economists—Henry Aaron, Alicia Munnell, and Peter Orszag—to issue a report of their own, which reached the same conclusions without Krugman's table-pounding.

One of the commission's conclusions exercised the liberals more than any other: the claim that the existence of a "Social Security Trust Fund" does nothing to improve the program's solvency. The issue may seem arcane, but it is in fact decisive, so bear with me for a minute. For about two decades, the payroll taxes that fund Social Security have brought in more revenues than the program spends on benefits. Until 1999, those excess funds were used to finance the rest of the federal budget. Now that the rest of the budget is in surplus as well, the excess revenues are used to pay down the federal debt. But however the money has been used—to spend on other programs or to pay off debt—the Treasury has always borrowed it from Social Security and, in return, credited the program with bonds. These Treasury bonds make up the Social Security Trust Fund.

Because the number of retirees keeps rising, it is projected that by 2016 the payroll tax will no longer bring in surplus revenues. By then, the trust fund should have accumulated bonds worth more than $3 trillion (in today's dollars). From then on, Social Security will have to draw on the trust fund to keep paying benefits. It will keep drawing on it until 2038, when the trust fund will finally run out.

So there's no problem until then, right? Wrong. What the president's commission points out is that the bonds are "not accumulated reserves of wealth but only promises that future taxpayers will be asked to redeem." It concludes, "The Trust Fund can neither delay the need for new resources by a day nor reduce the need by a dollar."

It is this point that leaves the liberals sputtering. The bonds in the trust fund are "legally backed by the full faith and credit of the U.S. government," note Henry Aaron & Co. "Social Security's bonds are just as 'real' as the Treasury bonds held by private investors. The fact that these bonds are 'paper' assets does not in any way reduce their value." It is "dangerous" to suggest otherwise. Krugman argues that nobody would deny that the trust fund held real assets if it were full of German bonds, and that it is therefore absurd to suggest that it doesn't because it holds American ones.

These people are all smart, but their argument is stupid. If you've loaned money to someone else, you can look forward to getting that money back (with interest) to pay for something. If you've loaned money to yourself, you can't. Is that really so hard to understand? The commission isn't questioning that the government will repay the bonds; it's pointing out that repaying the bonds will require the government to raise taxes, cut spending, or both. It doesn't matter if the trust fund has $3 trillion in bonds or $300 trillion—paying for Social Security is going to start being a problem in 2016.

In tandem with their argument about the bonds, the liberal economists make a second point that is not ridiculous. Their reasoning: The trust fund represents years of surplus revenues from Social Security. Those revenues reduced the budget deficit for years, and now they are reducing the federal debt. Thus they have been adding to national saving, which contributes to economic growth, which in turn makes it easier to pay for future Social Security benefits.

This argument has the merit of not pretending that the bonds will somehow pay themselves back after 2016. (It just skates by the question of how to pay for them.) But it has several weaknesses. There is, for one thing, substantial dispute over how much deficits hurt the economy or debt repayment helps it. Stronger economic growth, in addition, does not make it much easier to pay for Social Security. As the commission report explains, the program's benefit levels are tied to wages. The stronger economic growth is, the higher wages, and therefore benefits, are.

■

'The Trust Fund can neither delay the need for new resources by a day nor reduce the need by a dollar.' It is this point that leaves the liberals sputtering.

■

In addition, whether excess payroll-tax revenues have really improved the federal government's finances is highly questionable. It is at least as plausible to think that for most of the last two decades, the influx of these revenues to Washington simply led Congress to spend more. Only in the last couple of years has a political taboo against "raiding the Social Security surplus" made it impossible to spend the extra money. If the Social Security surplus was spent from 1983 to 1999, in no sense do most of the bonds in the trust fund represent increased national saving. (The four liberal economists' report raises this possibility only to dismiss it.)

What's suspicious about the Democratic intellectuals' attack on Social Security reform is that everyone involved in it used to show greater understanding of the issues. In January 1999, Henry Aaron testified before the Senate Budget Committee that the trust fund "may have failed in adding to national saving, if [it] caused government to run larger deficits or smaller surpluses on the rest of its activities." (If so, he added, this was the fault of "unwise fiscal policy outside Social Security" rather than of the trust fund—a point that gets us nowhere.)

Peter Orszag said, in testimony before a House subcommittee last year, that the trust fund may not have increased saving—at least until the advent in 1999 of the "lockbox" to protect the Social Security surplus. In 1984, Alicia Munnell co-wrote an article for the *New England Economic*

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Review citing "the improbability that Social Security surpluses will increase national saving" in arguing that the surplus should be reduced. The authors wrote that their "best guess [was] that the scheduled buildup of assets in the Social Security trust funds over the next 35 years would be used to offset deficits elsewhere in the federal budget and thus would contribute little to overall saving and capital accumulation."

Krugman, too, has made an about-face. In 1988 he was careful to mention that Social Security surpluses would help finance the program's future only if they were "not offset by deficits in the remainder of the federal budget." Now he doesn't even acknowledge the possibility that this may have happened.

It's not just liberal economists who have forgotten what they used to know. Robert Matsui, the Democratic congressman, has led the charge on the Hill against the commission. In July, he said: "This report falsely asserts that the Social Security system will be unable to meet its obligations because the assets held by the Trust Fund are 'not real.' To the contrary, the Government bonds held by Social Security are as real and valuable as the Treasury bonds held by millions of private investors." These comments, of course, follow the economists' current analysis.

In 1990, however, Matsui and Democratic senator Bob Graham wrote an op-ed for the *Washington Times* that described the trust fund in terms more slighting than anything the commission has said: "Bluntly put, the federal government is spending more than $1 billion a week of the Social Security surplus as though it were general revenues. All that the Trust Fund gets for these expenditures are chits from the U.S. Treasury." The fund was merely "a vault full of Treasury Department IOUs."

Tom Daschle and Dick Gephardt were clear-eyed in the past, too. In 1996, journalist Robert Novak grilled Daschle about the trust fund and got him to admit that "there is no such fund per se." In 1990, Gephardt said that by 2015 or so taxes would have to be increased to pay off the bonds in the trust fund. Now, Gephardt is accusing the commission of trying to "scare people" by questioning the value of the trust fund.

Better to scare people, perhaps, than to lull them into false complacency. By treating the trust fund as a way of paying for Social Security's obligations after 2016, the gang of four economists is able to say that the program's remaining shortfall is only 1.86 percent of wages that are subject to taxation. The clear implication: Raise payroll taxes by less than 2 percent, and the problem disappears for at least 75 years. But that implication, as we have seen, is false: It ignores the need to raise enough money to pay off more than $3 trillion worth of bonds.

Having labored to make the current system look more sustainable than it is, the gang of four goes on to stack the deck against personal accounts as a component of a solution. They estimate, incredibly, that allowing people to invest 2 percent of their wages would "divert" so much money from Social Security that young people would get 50 percent lower benefits. (Okay, class: Raise your hand if you think President Bush is going to propose a 50 percent cut in benefits.) It takes two statistical maneuvers to yield this daunting figure. First, they refuse to count the personal accounts as part of the benefits—a refusal that makes the reduction look at least 30 points greater than it should.

Second, they don't stop at estimating the cuts in benefits from the old system that would be required to make room for personal accounts. They add in all the cuts it would take to completely eliminate Social Security's pre-existing funding shortfall. The current program's funding problem, in other words, is attributed to the proposed reform of it. They're using a double standard. A hypothetical reform plan has to pass the most stringent of tests. But the gang of four argues at length that the unreformed Social Security system should be evaluated not on the basis of the benefits it can pay for, but of the benefits it has *promised*.

What was that Paul Krugman said about intellectual dishonesty? **NR**

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Bombing at the Pentagon

Don Rumsfeld's agony

RICHARD LOWRY

FOR Secretary of Defense Don Rumsfeld, it was his own personal equivalent of the U.S.'s apology to China earlier this year: a way to placate a hectoring adversary after doing nothing wrong. In Rumsfeld's case, the adversary was a "discouraged, frustrated, and angry" Kansas Sen. Pat Roberts (as he described himself). The Republican senator blamed Rumsfeld at a hearing for the work of, in the senator's golden words, a "doofus over at the Air Force." What the doofus had proposed was eliminating 33 B-1 bombers.

The B-1 has a two-decade history of failure that many in Congress hope to stretch into a three-decade history. The Air Force didn't dare fly it during the Gulf War, and flew it in the Kosovo war only after Serbian air defenses had been suppressed. But in places like Kansas and Georgia, permanent communities have grown up around B-1 bases, with children of Air National Guardsmen sometimes joining their fathers in B-1 units (it's a warplane that brings people *together*). Hence, Rumsfeld's apology. For Sen. Roberts, as for so many others in Congress, the comfort of his constituents trumps the idea of building a rational, modernized American military.

And so goes Rumsfeld's effort to reform the military, which so far has a record about as impressive as the B-1's flying history. Rumsfeld's critics blame his difficulties on his early ham-handed handling of relations with Congress and the Joint Chiefs. His defenders blame the shortsightedness of a porked-up Congress and a stubborn uniformed-military leadership, as well as the chronic underfunding in the Clinton years that has left the armed forces in a perilous—and not easily reversible—state of decline. Whomever is to blame, defense-watchers now expect Rumsfeld, who at first blush seemed the foremost stud of the Bush cabinet, to be among its earliest flameouts: "Bush will fire him," predicts one expert; "a glorious retirement," predicts another.

Rumsfeld's brewing failure may seem a surprise given his matchless résumé, but it arguably was inevitable. In a prescient article in *Foreign Affairs* before Bush won the election last year, defense intellectual Eliot Cohen outlined a thoughtful approach to military reform, with one minor caveat: "Unfortunately, the current system will not produce such a new strategy." In the Pentagon, the bureaucracy rules, and it is bureaucracy on Quaaludes, making the New York City Board of Education look sprightly and trim by comparison. The Pentagon is the only flaccid governmental organization that conservatives love to love, looking the other way as the services relentlessly protect their turf, and their weapons, in a manner straight out of Joseph Heller.

Especially since the end of the Cold War, the military has desperately needed a new direction from its civilian leadership. In the first Bush and the Clinton administrations, the military marched on with an essentially unchanged fight-in-the-Fulda-Gap strategy. Enter Rumsfeld. He was supposed to be the different drummer, bringing a new post–Cold War strategy to the Pentagon. Instead, he has been flailing, and now is in the position of having to choose between two unpalatable options: He can either jettison Bush's military-reform agenda, or make deep cuts in the current force to try to fund it, thus prompting howls from the pork-barrelers, the hawks, and everyone in between.

The mantra from Rumsfeld's circle is that money won't fix the Pentagon's problems. It is more accurate to say that money alone won't fix its problems. The current force is in what experts call a "death spiral." During the 1990s, funding for procurement declined by nearly half, a rate of decline twice that of the military budget as a whole (which in 1998 had reached a 20-year low). As weapons systems age, paying to repair and replace them becomes more and more expensive. Imagine an old car that gets more expensive to repair even as it is less reliable on the road. And with every year the military doesn't keep up the pace, the costs of "catching up" grow to the point that it becomes simply impossible to maintain the current force—hence the spiral.

Rumsfeld has repeatedly walked Congress through the dynamic. Take shipbuilding. The current strategy calls for the Navy to maintain a steady state of 310 ships. The 2001 budget—Clinton's last budget—provided for six new ships a year. That puts the Navy on track for a 230-ship force by 2030, which Rumsfeld calls "clearly unacceptable." But instead of building nine ships a year to get back on track for 310 ships, the 2002 budget also provides for just six ships. Every year the Navy stays on that 230-ship course, the cost of "catching up" to the 310-ship rate ratchets up by another $3 billion. It's like falling a little bit behind on rent every month, until the debt becomes too big to pay.

So, every year the military doesn't get a truly massive increase—estimates of the shortfall go as high as $100 billion a year, although the Congressional Budget Office has pegged it at $50 billion—the idea of maintaining the current force structure fades further from the realm of possibility. Defense reformers argue that that isn't necessarily a bad thing—sometimes it makes sense to give up all the repairs and simply buy a new car. And it's not just the equipment, but the thinking behind it, that is outdated. For about the last decade, the military has piled stopgap upon stopgap, with the word "strategy" wishfully stamped on top of it all. The so-called "two-war" doctrine—likely to be jettisoned by Rumsfeld when he completes his strategy review in September—is more a description of the size of the existing force than a guide to its role in the new strategic environment.

Bureaucratic imperatives for too long have been allowed to drive strategic planning. "The Army, Navy, and Air Force plan for the wars they would like to fight," writes John Hillen, one of the architects of Bush's military-reform agenda last year. The Army, for instance, still yearns to build a 55-ton—count them, 55 *tons*—howitzer that would be lucky to make it into the same hemisphere as one of today's regional conflicts, let alone ever actually be deployed on the battlefield in

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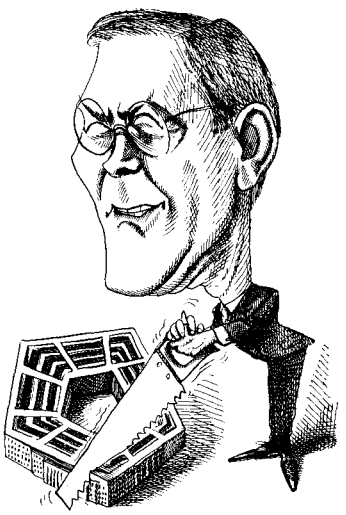
time for fighting. The Navy is still captivated by the glamorous aircraft carrier, which performed splendidly in the Battle of Midway, but looms as a slow, fat target in today's missile-rich environment. The Air Force can't resist developing ever-fancier, gee-whiz fighter jets, when its emphasis should be on the long-range bombers that can take off from Missouri and bomb Belgrade.

As Hillen points out, this is the best military that anyone could imagine back when Austin Powers was first making his reputation as an international man of mystery. But the 1960s and '70s are long past, and the U.S. no longer faces the prospect of a massive land war in Europe. Instead, as Eliot Cohen, among others, has argued, it makes more sense to focus on homeland defense to counter coming ballistic-missile threats, on the international policing missions that mushroomed in the 1990s even as military funding declined, and on maintaining conventional superiority over our next likely adversary (probably China). In a war in the Pacific—where the distances are long and the fight is likely to take place in the water—tanks and short-range fighter jets are likely to be less useful than cruise missiles and long-range bombers.

Rumsfeld is trying to turn U.S. strategy in this direction, as well as promote the leap ahead that military technology should be taking in the digital age. But with limited success. The panels Rumsfeld initially convened—to get around the Pentagon's traditional bureaucracy and help him think through these issues—were immediately panned by the services and Congress, while apparently producing no definitive new ideas. Rumsfeld keeps saying that the planning, and then the funding, of new weapons systems has to await the arrival of the grand new strategy. But this is little comfort to his congressional and bureaucratic critics, who can reasonably argue that, in the absence of this changed strategy, something (the current batch of tanks, B-1s, etc.) is better than nothing, and the something isn't being properly funded.



Don Rumsfeld by Roman Genn

Indeed, Rumsfeld has missed a chance to buy off his political critics with toasty visions of new weapons ("Sen. Roberts, if you thought the B-1 was great for Kansas, just wait until you try a whole new fleet of B-2s!"). But buying off critics requires the kind of money that he hasn't been able to secure from the White House. Rumsfeld's circle fitfully acknowledges the need for more cash in between avowals that money is not the problem. As Deputy Secretary of Defense Paul Wolfowitz says, "It is going to cost money, and it is probably going to take additional increases on top of the ones we asked for already." The White House gave Rumsfeld just a 7 percent increase in 2002, a relatively modest boost given the defense shortfall and the fact that Rumsfeld wanted about twice as much.

There probably won't be any more where that came from. Bush never promised much new defense spending in the campaign, arguing that the funding could be found by cutting dated weapons systems. Bush's critics, meanwhile, argue that the tax cut is starving defense spending. But the primary culprits are the fictional lock-boxes that define most of the surplus out of existence. As defense analysts Steven Kosiak and Andrew Krepinevich write, "It will be extremely difficult to sustain (let alone increase) the proposed FY 2002 defense funding levels for the following four years, unless the administration and Congress are willing to dip into that portion of the budget surplus generated by the Medicare trust fund and possibly the Social Security trust fund."

This is not even a competition between guns and butter, but between guns and fake butter. The administration should either find some clever way to finesse it (perhaps by cutting politically unpopular discretionary spending, e.g., corporate welfare), or forthrightly confront the absurdity of the let's-pretend game of lock-boxes. As it is, President Bush has left Rumsfeld in an impossible situation. He can adequately fund neither the current force nor the notional future force. Rumsfeld's failing, then, is really Bush's. The president also bears ultimate responsibility for the strategic meanderings that have gotten Rumsfeld battered almost every day in articles in the *Washington Post* and elsewhere. Big changes can't simply be left to sort themselves out in the bowels of cabinet agencies.

Take, for instance, another, related issue: building a missile defense. Bush has energetically led on the issue, making clear his determination and pushing the public argument for a system. He didn't leave it to Colin Powell to hash out with the bureaucrats at the Arms Control and Disarmament Agency. In contrast, Bush has not clearly described, let alone tried to sell, a new national-security strategy—what we hope to accomplish in the world, against what obstacles, in concert with what friends, and with the military playing what role. This, one would think, should be a central aspect of presidential leadership, at least as important as, say, promoting Habitat for Humanity.

In light of Rumsfeld's travails, Bush also needs to reconsider the approach to the military outlined in his campaign. The promising new weapons technologies he talked about last year—swifter, lighter, smarter—are extremely important and desirable. But his means of funding them—primarily, cleaning up the Pentagon's spending practices and phasing out antiquated weapons—is politically impractical to the point of being counterproductive. In short, Bush should sell a new strategy and push for funding of new technology, but give up on trying to make all the Pentagon's spending programs make sense. Instead, he should do basically what Reagan did: throw lots of money at the problem.

It wasn't an elegant solution at the time, but it still bought many of the weapons the military relies on today. And by calming the various wolves of the status quo, extra dollars might actually make possible some incremental progress toward changing the military. The only other option is for Bush to continue to watch Don Rumsfeld slowly twist in the wind, which doesn't seem very conservative nor—one dares say—very compassionate. **NR**

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THE LONG VIEW

By Rob Long

Some early excerpts from *Devil in a Blue Dress* by Bill Clinton.

FROM PAGE 7:

. . . her pouting red lips and teased-up hair were all I could make out in the dim Arkansas moonlight. "So, little Billy Clinton," she purred, "are you going to make anything of yourself?"

I couldn't see in the darkness, but I knew she was smiling. "Yes'm," I gulped, shivering in the cool of an autumn night, "I reckon if'n I kin study hard and work hard, I kin mebbe git on out of Hope, mebbe get me t'Oxford or sumpin'."

Now she laughed—a full, deep, throaty laugh—and I saw the flash of her white teeth and the smooth alabaster skin of her neck in silhouette. She produced a silver cigarette case, snapped it open with a flourish, took out a long cigarette, lit it with her silver lighter, then took a deep drag.

Years later, when I found out that she had died of lung cancer, I made it my mission as governor and, later, as president, to fight Big Tobacco. But then, in the Arkansas twilight, all I could think about was her laugh, her smile, her shimmering blue dress.

"So, Billy, are you going to forget all about us back here in Arkansas?"

I shook my head. "No'm!" I cried. "Everythin' here is my home. This here's my place! Won't ever fergit it. Be bad wrong if'n I do!"

She smiled again, then slinked her way to my trembling side. She leaned in next to me and put her lips to my ear. I was shaking like a leaf—nervous, excited, confused—and I couldn't bring myself to look at her. I could smell her violet perfume as she whispered in my ear: "Well, now, Billy, we're going to have to make absolutely certain you never, ever, ever forget your friends back home, aren't we?"

FROM PAGE 109:

. . . as he looked queasy and slightly sick. "I think you've had enough, Bob," I said to him. He's a little man—not just short, but little in other ways, too, as I discovered when I read the book he wrote about me after serving as my secretary of labor. But back then, when we were at Oxford together, he still knew what loyalty meant, and I kept an eye out for him during our weekly outings to the local pub.

"Jush one more little 'un," he slurred. I raised my hand to get the innkeeper's attention.

"I think your little Jewish friend has had enough," said a voice from behind. "Now be a good lad and take him home for his rest." I turned.

The girl who stood in front of me was an apple-cheeked beauty. She smiled at me and extended her hand. "The name's Siobhan," she said. "I'm from Belfast."

I was too dazed to reply. Her looks were classically Irish—and her lilting accent had me captivated. I was worried, though, about Bob's condition—I didn't want him to soil Siobhan's shimmering blue dress—so I slipped him back onto a stool.

"I'm Bill Clinton," I said, offering my hand.

"I know who y'are," was her reply. "They're sayin' ye might be president some day. And that would be a good thing. So if y'are, I'd like to ask you to do somethin'."

"Anything," I replied.

"Do somethin' about the troubles in my country. I've lost three brothers to the violence, and I'm certain I'll lose a few more before the year. It has to stop. The fightin' has to end."

I nodded. Siobhan spoke with such quiet strength and grace that I barely noticed that she had slipped her hand under my coat. Her hand traveled low. She pulled me to her.

"I'll be grateful to you forever, Bill Clinton," she said quietly.

FROM PAGE 567:

"No!" I shouted, slamming the coffee cup down on its saucer. Both were emblazoned with the presidential seal. The group in the Oval Office was shifting nervously. They knew I wasn't happy.

"We need to keep this budget balanced," I said, with a low intense voice. "We need to prove that the federal government can restrain itself, invest in the right things, and get this economy moving after the ravages of the Reagan-Bush recession."

There was silence in the room. Then, from the back, came a soft, honeyed voice.

"You are absolutely correct, Mr. President."

All eyes turned to Alan Greenspan, resplendent in a shimmering blue suit and tie.

"If you maintain that course, sir," he said, "the result will be the longest economic expansion in world history. And I'll be proud to manage the Fed throughout your reign." His eyes glinted with tears. He strode across the room and swept me up in a hug.

"I love you, Bill Clinton," he whispered in my ear.

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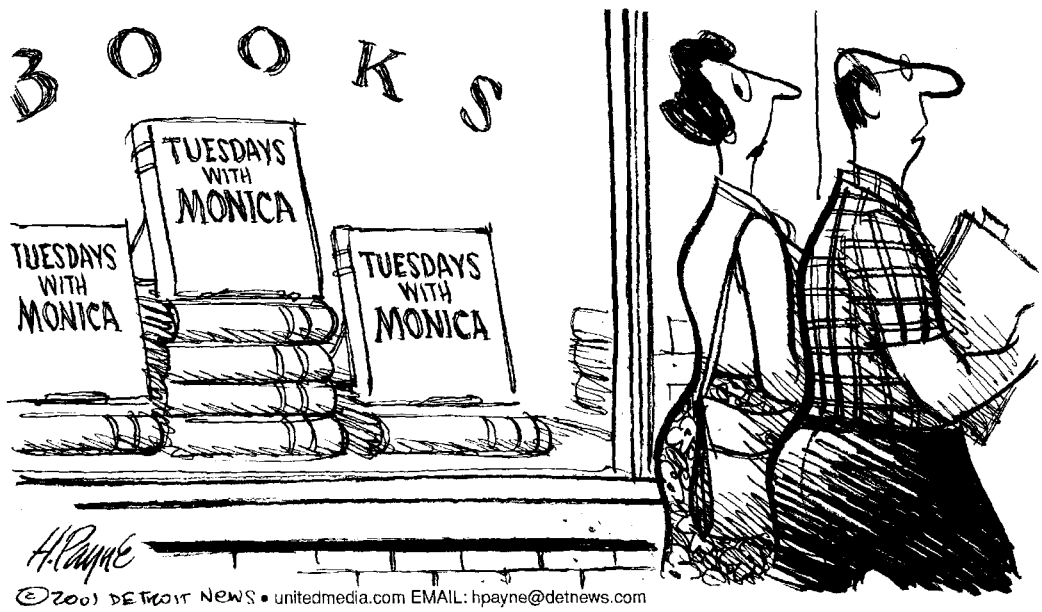

"CLINTON'S MEMOIRS."

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". . . And past performance is no guarantee of future results."

GORE'S BACK

Sporting a beard that suggested
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Al, having lost Tennessee,
Plus—by a mile—West Virginia,
Sidled back in with the look
Also-rans wear when the bookies
Don't even deign to make book.

—W. H. VON DREELE

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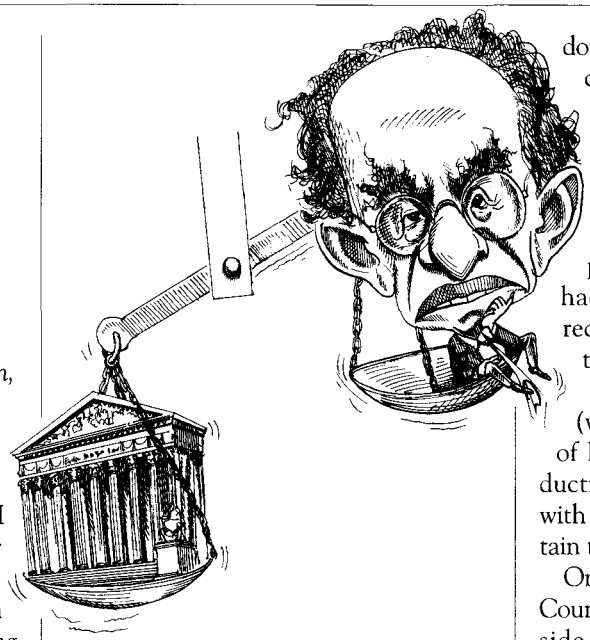
BOOKS, ARTS & MANNERS

Unforgiven

MARK MILLER

Supreme Injustice: How the High Court Hijacked Election 2000, by Alan Dershowitz (Oxford, 288 pp., $25)

Breaking the Deadlock: The 2000 Election, the Constitution, and the Courts, by Richard Posner (Princeton, 264 pp., $24.95)



Alan Dershowitz by Roman Genn

AN hour after a colleague and I arrived in Orlando last November to work on the trial team representing George W. Bush and Richard Cheney in *Jacobs* v. *Seminole County Canvassing Board*, there was to be a telephone conference with our judge, Nikki Ann Clark. There was intense anxiety about Clark in the Bush-Cheney war room. Not only was she considered a staunch liberal, she had been turned down in September for a seat on the Florida court of appeals—by our client's brother, Gov. Jeb Bush. A motion seeking her recusal had been drafted and was ready to be filed as soon as the conference was over.

The concern about Judge Clark illustrates a characteristic common to all the Florida election-contest cases—the unprecedented depth to which party politics invaded the province of law. Americans are accustomed to having their Supreme Court controversies served up bitter and partisan. Ordinarily, though, the debates are driven by lofty principles of morality, justice, or faith. Never before in recent memory had such a rancorous debate been divided along naked party lines. This was as true in *Seminole County* as in the suit brought by Al Gore seeking a hand recount of so-called undervotes in Miami-Dade and other counties. That was the case, ultimately known as *Bush* v. *Gore*, that went up to the U.S. Supreme Court not once but twice, and is the subject of several recent books.

In *Bush* v. *Gore*, the Supreme Court was asked to review a decision of the Florida supreme court ordering an immediate hand recount of "undervoted" ballots (ballots on which no vote for president had been detected by the tabulating machinery) in Miami-Dade and other counties. According to the Court's majority opinion, the recount ordered by Florida's high court was invalid under the equal protection clause because the state court had not suggested standards by which the "undervotes" were to be counted. Different counties had used wildly different standards for determining voter "intent." Some counted only "dangling" chads; others were willing to count even the so-called "dimpled" chads, mere bumps in the punch-card ballot through which no light could be seen. The inequities resulting from such standardless procedures were constitutionally impermissible.

The equal-protection theory found broad support on the Court; the justices lined up 7 to 2 on the issue, which captured even the votes of dissenters Souter and Breyer. The Court's remedy—stopping the recounts—was more controversial. The Court's decision was handed down on December 12, and as the state court had suggested, the Florida legislature intended for the election results to be certified by the December 12 deadline of Title III of the U.S. Code. This left no time for the state to cure the equal-protection violation the Court had identified. Doing so would have required sending the case back to the Florida courts for developing uniform recount standards (which would have been the subject of legal briefing by both sides), conducting the recount itself, and dealing with the legal challenges that were certain to result.

One measure of the correctness of the Court's decision was the fact that neither side was entirely happy with it. In *Supreme Injustice*, Harvard Law celebrity-professor Alan Dershowitz makes an impassioned case for the Gore side. Indeed, passion is mainly what Dershowitz has going for him. The book is frankly and avowedly ad hominem. A sample of his rhetoric: "This is the most perverse misuse of the equal-protection clause I have seen in my forty years as a lawyer"; "I certainly thought [the equal-protection argument] was underwhelming as I listened to Ted Olson deliver it to a packed courtroom that morning"; the "lawless decision in *Bush* v. *Gore* promises to have a more enduring impact on Americans than the outcome of the election itself"; "time will never heal this wound so long as it remains untreated by the strong disinfectant of sunlight." "Let me be as clear as I can," he writes:

> The criticism I am making of the majority justices includes a significant ad hominem component. I am not limiting my criticism merely to the intellectual or precedential weaknesses of their arguments. I am accusing them of partisan favoritism—bias—toward one litigant and against another. I am also accusing them of dishonesty, of trying

Mr. Miller is a lawyer in Washington, D.C.

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to hide their bias behind plausible legal arguments that they never would have put forward had the shoe been on the other foot. These criticisms are directed at the justices *personally* . . .

Dershowitz's view of *Bush* v. *Gore* relies on the provision of the Florida election code stating that "no vote shall be declared invalid or void if there is a clear indication of the intent of the voter as determined by the canvassing board." According to him, this statute gave voters in Florida "the right to have their ballots counted if they left a hanging chad or if they failed to punch their chad all the way through—even if it was their fault, not the machine's." The Supreme Court "ignored" this law, says Dershowitz, and held any ballot spoiled due to voter error invalid, even if the "voter's intent" was clearly discernible. Dershowitz maintains that the Court's constitutional reasoning does not comport with traditional equal-protection principles, and caps his discussion with this: "I challenge any law professor or Supreme Court litigator to defend the majority's equal-protection conclusion and remedy in a public debate."

Whether or not Dershowitz's constitutional views are debate-worthy, he does raise a troubling point about the Court's use of precedent. Not only did the majority fail to cite a single equal-protection case directly supporting its result, as Dershowitz points out, but it also failed to rely much on precedent in constructing its argument or to explain how its holding was consistent with other equal-protection cases. This failure suggests that the majority was relying less on the law than on some free-floating equal-protection idea—something closer to basic fairness. Fairness has its virtues, but it does not have a limiting principle. The Court would have done better to anchor its holding to precedent—if only to limit the potential scope of that holding.

Even where Dershowitz does have a point, his overheated rhetoric intrudes. This is particularly true with respect to his treatment of conservative thinkers like Judge Richard Posner. Of Dershowitz's many villains, only the five majority justices rank higher than Posner. More than that, Posner is Dershowitz's intellectual bête noire, the man to beat. "During the preparation of this book," he writes accusingly, "my office repeatedly called and wrote Judge Posner requesting galleys of the book and article in which [his] arguments are elaborated. He did not respond to my requests . . ." Posner himself takes little notice of Dershowitz in his own new book about the Florida litigation controversy, noting only that of all the commentators who were heard from, Dershowitz was undoubtedly the shrillest.

In *Breaking the Deadlock*, the prolific Judge Posner provides a tough-minded and masterly analysis of this unique episode in American political history. His book reads like the opinion he might have written had he been a member of the Court—but with the luxury of unlimited time and hindsight. Posner concludes that the 5–4 majority—working under extraordinary pressure—may not have adopted the best reasoning, but did arrive at the right practical result.

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Judge Posner provides a tough-minded analysis of this unique episode.

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The main Democratic strategy in *Bush* v. *Gore* might be summarized by the old lawyers' adage, "If the law is on your side, argue the law; if the facts are on your side, ignore the law and argue the facts." The plan was to remain focused on the "fact" that more Florida voters in Miami-Dade and elsewhere intended to cast a vote for Gore than were actually tallied in his column. As Posner emphasizes, however, there are no such things as independently significant "facts" in legal proceedings; facts have significance only if rules of law make them so. This becomes Posner's primary theme: "One of the most persistent fallacies in the public, especially political, commentary on the deadlock," he writes, "has been the notion that the winner of an election can be determined without reference to election rules." Elsewhere he states: "To call the winner of the popular vote for President the 'real' winner, to accord *constitutional* status to the winner of the popular vote, and to question the legitimacy of the candidate who won the electoral vote and so became President are further examples of changing the rules of the game after the game has been played."

Under Florida law, the "rules of the game" gave the secretary of state a great deal of discretion in interpreting election laws. It was Katherine Harris's call whether or not to extend the statutory November 14 deadline for completing the hand recounts, and her interpretation was supposed to be binding. The statute allowed for countywide hand recounts in only one situation: where there had been an "error in the vote tabulation." Harris determined that voter error was not an "error in the vote tabulation" and thus did not warrant extending the deadline. The Florida courts should have deferred to Harris's decision unless it was patently unreasonable—which it was not. As Chief Justice Rehnquist noted in his concurring opinion: "No reasonable person would call it 'an error in the vote tabulation' or a 'rejection of legal votes' when electronic or electromechanical equipment performs precisely in the manner designed, and fails to count those ballots that are not marked in the manner that the[] voting instructions explicitly and prominently specify."

Like other conservatives, Posner is concerned that the equal protection clause provides a poor ground of decision, not least because of its potentially broad application. Does *Bush* v. *Gore* mean that a close election for dogcatcher now has constitutional implications? In fact, such a far-reaching interpretation seems unwarranted. Even without the Court's instruction that its holding was to apply only to this particular case, the *Bush* decision would easily be limited to its particular facts—i.e., the relatively rare case in which a hand recount has

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been ordered but no uniform standards have been promulgated.

According to Posner, the best way around these difficulties was the one identified by Chief Justice Rehnquist in his concurring opinion: Article II's "manner directed" clause, which imposes a duty on state legislatures to determine the manner in which electors for president and vice president will be selected. Article II could be interpreted as prohibiting a state court from interfering with the election scheme enacted by the legislature—such as the provision of Florida law that the secretary of state is empowered to provide binding interpretations of the election code. When the Florida court extended the statutory deadline for certification, shortened the contest period, and ordered the inclusion of vote totals even after the wrongfully extended deadline, it departed from the legislative scheme and committed a violation of the "manner directed" clause.

But though Posner focuses mainly on the law, neither is he willing to concede the facts, and his statistical analysis of the supposed undervotes reveals some surprising results. He concludes, for instance, that "hand recounts of undervotes using objective criteria would have been unlikely to change the outcome of the election." Gore was not even the "real winner" in Florida, as his supporters have assumed. Or, perhaps more accurately, "Gore . . . won the election as it might have been conducted in different circumstances."

Only time will tell whose version of events will become the judgment of history. One supposes, however, that passions will cool, and that Posner's pragmatic view will prevail. Even if it is true, as Dershowitz says, that "many Americans remain outraged" by the Court's decision, there are many others who recognize that judges faced with difficult decisions can still keep their integrity intact. Nikki Clark is certainly one of those judges. She ultimately denied the recusal motion in the *Seminole County* case, but she proceeded to rule in our clients' favor at trial. Her ability to do so underscores one of the most significant, reassuring, and even surprising elements of the entire Florida election litigation—that judges are frequently capable of putting aside partisan sympathies to focus on the rule of law. **NR**

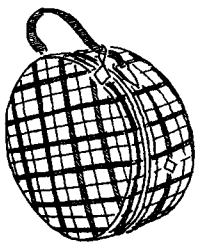
Adonis, Anyone?

CAROL IANNONE

Venus in Exile: The Rejection of Beauty in 20th-Century Art, by Wendy Steiner (Free Press, 280 pp., $26)

In his most recent book, *From Dawn to Decadence: 500 Years of Western Cultural Life, 1500 to the Present*, Jacques Barzun compares and contrasts two writers in a way that encapsulates the difference between the 16th and the 20th centuries—"between the dawn of a new culture and its close in disenchantment." Speaking of François Rabelais's bawdy narrative, *Gargantua and Pantagruel*, and James Joyce's *Ulysses*, Barzun observes that both show an interest in "exposing the grubbiest corners of society, parodying the professions," "insisting tonelessly on the body's needs and acts," and playing with language. But, Barzun declares, Rabelais "leaves one exhilarated, as one is after seeing a Greek tragedy," whereas "*Ulysses* leaves one depressed, as one is after seeing a modern play like *Death of a Salesman*."

The sense that much of 20th-century art is depressing, enervating, and ugly is precisely the subject that Wendy Steiner's new book sets out to explain and explore. In Steiner's view, "twentieth century modernism perpetrated a cultural deprivation from which we are only now recovering."



In contrast to earlier artists, the modernist saw himself as a countercultural figure, an alienated martyr charged with telling unpleasant truths and undermining conventional hypocrisies. For its part, the art-going public was caricatured as a sleepy mass of bourgeois philistines needing to be shocked out of comfort and complacency.

According to Steiner's idiosyncratic but intriguing explanation, this modernist stance grew out of aspiration to what Immanuel Kant called the "sublime," which he distinguished from the merely "beautiful." Modernists sought the sublime—the confrontation with a limitless unknown beyond the frontiers of everyday experience—while rejecting traditional notions of the beautiful, the charming, and the agreeable. This rejection in turn gave rise to an antipathy to the domesticating female often associated with such qualities. Picasso's *Les Demoiselles d'Avignon*, with its brutal, fantastical, fragmented depiction of prostitutes on display, is a prime example of the modernist imperative to shatter ordinary expectations of beauty and conventional modes of perception, and to force confrontation with experience beyond the limits of social acceptability. While Steiner doesn't discuss *Ulysses* directly, it too belongs within this scheme of ideas, with its repudiation of normal novelistic technique and the usual pleasures of narrative, its nonjudgmental portrayal of women operating outside the sphere of respectable behavior, and its imposition of an offputting epic structure on everyday life. Ironically, however, in reaching beyond limitations, modernist artists often created something more recognizable as depressing (in Barzun's word) than sublime.

A clue to that irony can be found in Mary Shelley's *Frankenstein*, which Steiner convincingly presents as an early warning about the dangers implicit in the sublime. In that paradigmatic study of defiant, overreaching human creativity, Shelley presents the effort to transcend ordinary reality as "monstrous." Steiner points out that Kant designated the Alps and the polar ice caps as archetypes of the sublime, and it is precisely to these locations that Shelley's alienated monster wanders in his lonely desperation. The story of Dr. Frankenstein thus makes clear that the longing for the sublime, by prompting us to reject everyday human experience, lands us in barrenness and isolation. Shelley's wise counsel, says Steiner, is "that we accept the humanizing pleasure of art, and thus reinstate" the relationship "between the moral and the aesthetic spheres."

Carol Iannone writes on literature and culture for a variety of publications.

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Steiner's discussion meanders somewhat, being held together more by her interest in close explication of various works of art than by a systematic development of her thesis, but it yields insight and flashes of clarity. For example, through her eyes we can better understand one of the paradoxes of 20th-century art—how, for example, the dung-studded Madonnas and the urine-soaked crucifixes and the sadomasochistic photographs can claim to be liberating us from limitations, yet in actuality be dehumanizing and desolating. The reason is that, in modern art, freedom has been specifically defined as antithetical to the common affections.

■

The sublime is an experience to which human beings are naturally drawn.

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Steiner does not take into account, however, the criticism modernism makes of itself. In Vladimir Nabokov's *Lolita*, for example, the protagonist bitterly regrets making an erotic ideal of his young stepdaughter, and acknowledges that this has led to the ruin of them both. In Thomas Mann's *Magic Mountain*, the Nietzschean character Pieter Peeperkorn brings his companions on an excursion to a waterfall, and holds them rapt with a discourse that is actually unintelligible due to the deafening thunder behind him—an ironic comment on just the sort of border-annihilating experience that Steiner contends is typical of modern art.

Moreover, Steiner does not consider that what she sees in modernism may actually be only a distortion of the sublime, which in itself is an experience to which human beings are naturally and legitimately drawn. For that matter, too, she omits discussion of the earliest attempt to define the term: the classical treatise *On the Sublime*, attributed for years to Longinus in the third century, and more recently to a pseudo-Longinus in the first. In that work, the sublime is specifically described as an elevation and ennobling of the emotions through the use of specific rhetorical techniques (a modern example might be the wartime speeches of Churchill); anything ugly or deflating, by definition, would not qualify. And when Kant made the Alps and the polar ice caps his archetypes, he was suggesting something that should properly and healthfully *humble* the viewer rather than license the artist to put himself above humanity at large.

It is this larger sense of what constitutes morality that is missing from Steiner's discussion. She seems to equate morality with a kind of human affection (as opposed to the isolating arrogance of the modernist) and with an appreciation of the "other" (in contrast to the male modernist's antipathy to women), rather than seeing it as an orientation to transcendent truth and goodness. The lack of such guidelines is what caused some of the modernists to go astray, putting formal experimentation over substance and substituting artistic creation for morality itself. Thus, while Steiner sees T. S. Eliot's *Waste Land* as an exemplary modernist work, which it is, she ignores his later religious poetry—arguably a more successful effort at achieving the sublime, through a specifically felt and fully embodied exploration of the transcendence held forth by Anglo-Catholicism.

Steiner believes that a new anti- or non-modernist trend is now taking hold in the culture, but the examples she presents make one wonder if this is entirely a good thing. For instance, she proposes the choreography of Mark Morris as a positive development of the new art; but while Morris's work is indeed pleasant, joyous, even exhilarating, it cannot match the staggering profundity of the 20th century's undisputed choreographic genius, George Balanchine, who took the dance conventions that Steiner disdains, and, in one of the century's more fortunate artistic developments, created modern ballet. Steiner praises especially the genial androgyny of Morris's dances, but that cannot compare to what Balanchine achieved with his full-bodied, full-blooded sexual polarity. If the new direction Steiner is delineating is going to bring feminization, domestication, the submersion of opposites, the absorption of tensions, it will have to be resisted at some point in its turn, in favor of that more sublime experience to which man must continue to aspire. **NR**

Killing the Messenger

STEPHEN SCHWARTZ

Children of Abraham, 2 vols.: *An Introduction to Islam for Jews*, by Khalid Durán, with Abdelwahab Hechiche (American Jewish Committee and Ktav, 326 pp., $19.95), and *An Introduction to Judaism for Muslims*, by Reuven Firestone (320 pp., $19.95)

EARLY in June, Khalid Durán, a shy, sensitive 61-year-old man living in Bethesda, Md., was threatened with death by a Jordanian Muslim cleric. According to Sheikh Abd-al-Mun'im Abu Zant, Durán had offended Muslims by writing a book seeking to introduce the essentials of Islamic faith to American Jewish readers. The book, along with a companion volume written by a rabbi to introduce Judaism to Muslims, had been published by the American Jewish Committee (AJC).

Abu Zant was echoing a U.S. group called the Council on American-Islamic Relations, which had assailed Durán's book and the AJC for "stereotyping" Muslims; but the group's stated objections to the book were perfunctory and flimsy. CAIR made the egregiously un-American demand that the manuscript be submitted—before publication—to a group of Muslim experts of the group's own choosing, and echoed Abu Zant's assertion that Durán's blood could rightfully "be shed."

CAIR is a leading advocate for Islamic fundamentalism in America today, its claimed objective to prevent "stereotyping and inaccuracy" in the depiction of Muslims. Its real aim, however, is not to protect American Muslims from harmful prejudice but to prevent moderates like Durán from conducting an open religious dialogue with American Christians and Jews. The reason is simple: such a dialogue would reveal to the

Mr. Schwartz has contributed extensively to *Commentary* and *The Forward*.

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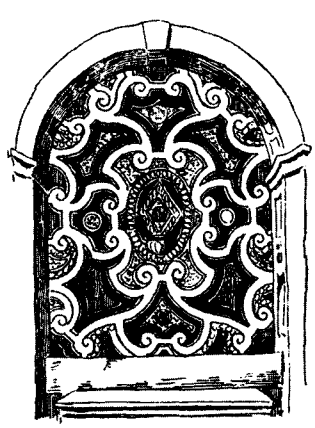
American public the important truth that the great majority of the world's more than one billion Muslims do not support fundamentalist extremism.

To most sensible Americans, this AJC-inspired project would appear at first glance to be simply another example of *bien-pensant*, "progressive" Jewish liberalism seeking "peace through understanding." American Jews, and non-Jewish conservatives, have every reason to distrust such well-meaning but misguided undertakings. Nevertheless, the reaction Durán's book has provoked should make us pay attention to his message, since it reveals the depth of the fracture within the Islamic world. In fact the threat against Durán was just a single incident in the long-running war between Muslim extremists and Muslim moderates—a war that reaches from Chechnya to Maryland, and back in time a thousand years.

It is extremely difficult to imagine that the AJC provided funds for this project with the objective of making life difficult for Muslims anywhere. Both volumes are fairly elementary; Durán's could be described as a fast tour of the Islamic intellect, and Rabbi Reuven Firestone's introduction to Judaism is an equally basic description of Jewish observance. Neither conveys the depth or significance, each for the other, of the global contributions made by Jewish and Islamic thought. Though their idiom is straightforward and uncomplicated, these volumes seem not to have been intended for a mass audience—more for school, synagogue, and (one should fantasize) mosque libraries. Neither author can be seriously reproached for misrepresenting his faith. Both are clearly eager to lessen the fear that Jews and Muslims now feel toward each other—and each succeeds in "lightening" the image of the faith that it depicts.



Firestone makes Judaism seem, if anything, rather boring in its earnestness. In this he seems almost too perfect a representative of the American Jewish style in theology. For example, he omits any real discussion of kabbalah, the Jewish school of mysticism that has much in common with Sufism, or Islamic mysticism; such a discussion would have fascinated many non-fundamentalist Muslims. He has also left out a related and equally attractive aspect, for Muslims, of Jewish tradition: the remarkable life adventures of great rabbis such as the charismatic leaders of the Hasidic sects—a phenomenon with striking parallels in the Islamic world.

Of the two books, Firestone's Jewish volume is the more strictly a work about faith. Durán quickly leaves the field of theological abstractions, focusing instead on the recent rise of an extreme political Islamism; the book certainly indicates no desire on the author's part to avoid controversy with the fundamentalists, but he may have concentrated too much on these issues.

Durán details the striking contrast between the harsh, rigid, and violent universe of the fundamentalists and the passionate, welcoming, and even pluralistic culture of Sufi spirituality. The fundamentalist scholar, he writes, "insists on separate identities: A Muslim is not a Jew, a Jew is not a Muslim. The sufi . . . seeks to merge identities: A Muslim is a Jew too; and a Jew can also be a Muslim." Such notions are anathema to fundamentalists, who thrive on the terrifying image of their movement in the West. Depriving them of this PR asset, as Durán seeks to do by describing the more enlightened outlook of mainstream Islam, would leave them without an easy way to demand the attention of Western media.

But moderate, mainstream Islam must not be ignored by Western intellectuals and policy makers. Indeed, when one gets away from the rantings of latter-day Islamist demagogues, one is forced to conclude that just as Islam is the most recent of the three great monotheistic revelations, so is it the most open to the others. Numerous Muslim commentators and intellectuals have studied Judaism with considerable warmth, viewing it as the Abrahamic ur-faith; to them, a book like Firestone's would be redundant. Within Islamic tradition, the Jewish prophets are objects of honor. The legacy of this mainstream, moderate tradition includes the caliphate of Baghdad, Arab Spain, and the Ottoman Empire, in all of which Jews and Christians flourished under Muslim authority.

Though both volumes are flawed in style and structure, the underlying effort to improve mutual interfaith comprehension—especially between religious Jews and pious Muslims in the U.S.—is not in fact misguided; rather, it is urgent. Moderate Islam must be strengthened, primarily by making clear that extremists do not speak for all the Muslims in the world. Khalid Durán is not Rushdie: He did not set out to outrage Muslim opinion, nor does his antagonist have the power of an Ayatollah Khomeini. But assisting and protecting him may turn out to be a good deal more important, since it is high time Westerners began to understand that the brutality and hysteria of Islamic fundamentalism is an expression of weakness rather than strength. **NR**

PLEASE?

If I swung through the jungle on a vine
And beat my chest, impatient to entwine,
Or else came on more civilized, more benign,
And knelt down at your feet or lay supine,
Making vague gestures, an ambiguous sign
Towards the general area of your shrine,
As if suggesting that you too recline,
Or even if I, by accident or design,
Let slip that love is but an anodyne,
A temporary balm, however fine,
Yes, even if I should all love resign
And let my hair grow long and swear off wine
And never write another goddamn line,
Darling, wouldn't you be my Valentine?

—ROBERT MEZEY

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Judge Not

PETER SAVODNIK

Civilizations: Culture, Ambition, and the Transformation of Nature, by Felipe Fernández-Armesto (Free Press, 545 pp., $35)

FELIPE FERNÁNDEZ-ARMESTO'S *Civilizations* is one of those grand, all-encompassing histories that many non-historians find appealing. It makes some very alluring promises. "My purpose," Fernández-Armesto explains, "is to change the way we think about civilization: to present it as a relationship between one species and the rest of nature, an environment refashioned to suit human uses." It takes an especially thoughtful inquiry to transform how we view civilization, to make us rethink not only what we know but *how* we know.

At first glance, the book looks fresh and bold and, above all, ambitious: a brand new way of viewing human history and culture. Instead of approaching civilizations as detached from nature, Fernández-Armesto, a member of the modern-history faculty at Oxford, views them as an outgrowth of their natural surroundings. He therefore organizes his book not according to chronology but by environment: highland civilization, tundra civilization, seaboard civilization, Atlantic civilization, etc.

"We cannot get out of the ecosystem in which we are linked, the 'chain of being' which binds us to all the other biota," he writes. "Our species belongs in the great animal continuum. The environments we fashion for ourselves are gouged or cobbled out of what nature has given us." He traces the histories of how various civilizations built themselves out of their natural environs—from the vanished Mongol cities of the Eurasian steppe and the Venetians defying their "water margins" to the Samoyeds who inhabit the "waste land" of northern Scandinavia. All of this is very colorful and, at times, astute. The author's brief discussion of Las Vegas—"The new skyline is dominated by an electrified rip-off of the Great Pyramid of Cheops, a pimple itching at the civilized tradition"—is both funny and clever. His thoughtful, lengthier investigation of island life, particularly his assertion that Hawaii and Easter Island benefited culturally from their relative isolation, is likewise illuminating.

But the book fails—completely—to fulfill its promise that it will change how we think about civilization. Fernández-Armesto contends that civilization is "a kind of relationship between human society and the natural world." Question: What else could it possibly be? To civilize is to impose order on disorder, to contain (à la Hobbes) the flux and uncertainty of natural life by way of centralized government, economic organization, written language, and so on. This fundamental impulse has been described, analyzed, and debated for thousands of years—which means there's nothing very original about the author's contention that societies are civilized to the extent that they have distanced themselves from their natural surroundings. He has simply attempted to tell the same old story from a not very different angle—one that offers little insight and ends up looking more like a gimmick than like an important new perspective.

But it's worse than a gimmick: It's actually a tool to support the author's cultural relativism. "In a departure from the way civilization is usually understood, I try not to judge societies against a checklist of supposedly civilized characteristics," he writes, adding that "because civilization is seen here as a kind of relationship between human society and the natural world, the degree to which a particular society is civilized is measurable on a scale of its own making." In other words, nobody can make comparative judgments about different civilizations because they are merely functions of their environments, and each environment is a wholly distinct universe that cannot be understood in terms of other ones. No one can suggest that desert civilization is culturally richer than tropical lowland civilization because, among other things, there's very little about desert life that overlaps with tropical lowland life.

All of which seems a very convenient way to circumvent an uncomfortable two-pronged truth facing left-wing academics today—namely, that civilized peoples have rejected socialist totalitarianism, and that the West in general, and the U.S. in particular, seems to be on the "right side of history." To put it more squarely, there is a civilization—Western civilization—that billions of human beings today are scrambling to join by way of internal reform or immigration. For Fernández-Armesto to suggest that all civilizations must be viewed on their own terms is to ignore this phenomenal migration.

Defenders might reply that even if Fernández-Armesto doesn't offer a genuinely new paradigm and hides behind his cultural relativism, he does give us a rich and detailed exposition of a remarkable array of peoples scattered around the globe. Well, not exactly. One of the problems with this sort of history is that it runs the distinct risk of straying from its thesis, jumping haphazardly from one subhead to another in an effort to lend a semblance of unity to an unwieldy morass of facts.

Consider the author's discussion of William James's influence on European thought. "It was half-baked nonsense—claiming that a proposition was true inasmuch as it was useful and therefore that Christianity, for instance, was sanctified by its social advantages; but it was, at least, a truly homespun American philosophy, drafted for America by a thinker who resented his brother's notorious self-Europeanization and who crafted a thought system syncopated to the hustle of American life and the bustle of American business." A few pages later, he offers an analysis of the Great Depression that draws a well-worn analogy between European fascists and American business leaders: "Big business barged the little guys off the sidewalk. A few financial pharaohs bestrode 'pyramids' of millions of shareholders, controlling stocks and manipulating voters, just as in Europe dictators took over nominal democracies."

Fernández-Armesto's meandering, almost careless chronicling of times past—as well as his politics, reflected in his thinly veiled disdain for the American bourgeoisie—overshadows much of his historical narrative. Too bad: The occasionally colorful expositions amount to one of the book's few virtues. **NR**

Mr. Savodnik is a staff writer at the Charlottesville (Va.) *Daily Progress*.

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■ MUSIC ■

Beauty, for One Thing

JAY NORDLINGER

WHO is the most beautiful person in all of music? It's a ridiculous question, but it does have an answer, probably: **Hélène Grimaud**, a young French pianist. She could easily be taken for an actress or model. What does this matter? Ah, you must not be in marketing. La belle Hélène is displayed on her CD covers like a kittenish starlet. You may want to buy her recordings for her face alone. Indeed, Teldec, her current label, has arranged for her latest CD booklet to work as a "mini-poster" (the company's word). They thoughtfully provide instructions. Funny, but no one ever did this for Artur Schnabel.

The only real question, of course, is, Can she play? And the answer is yes—adequately. Her latest CD is devoted to Rachmaninoff, starting with the Second Concerto, that great war-horse. Grimaud is a little stilted in it, lacking the Romantic qualities required, including a sense of flow. She is a little dull, actually. The piece seems too sprawling for her, not fitting her hands. In the middle movement, she is unlyrical, jabbing out the melodic line. In the final movement, she is clean and nimble, but without the fire and heart of a more natural Rachmaninoff pianist. This is sort of pixie-ish playing, out of place here.

Not helping matters is that Grimaud's conductor is Vladimir Ashkenazy, who has been associated with Rachmaninoff all his life—not that this has done the composer any favors. This much can be said for Grimaud's approach to the work: It is not bombastic, but rather reserved, understated. Still, this *is* the "Rach Second."

The remainder of the CD is given over to smaller pieces, in which the pianist fares better. The best of the lot (which is to say, the best played) are the *Corelli Variations*, which ought to be heard more often. In Grimaud's hands, they are tasteful, clean, polite—if without the mystery and sweep that Rachmaninoff should be accorded.

Hélène Grimaud is far from an interpretive firecracker. But she has a fundamental competence, and is clearly more than a pretty face. But, oh, what a face!

Renée Fleming doesn't have a bad one either, and she has teamed up with **Jean-Yves Thibaudet** to make an album called *Night Songs*. Fleming is the American soprano, and Thibaudet the French pianist; their CD is composed of some of the most popular songs in the Romantic repertory, by Fauré, Debussy, Joseph Marx, Strauss, and Rachmaninoff. Why "Night Songs"? Simply a marketer's invention. The label, Decca, has gone to the trouble of putting a crescent moon on the disc itself—get it?

■

Cecilia Bartoli and Bryn Terfel have achieved something close to a pop standing.

■

These two performers are at the top of their games, triumphing in every capital, and it was an inspired idea to pair them. Thibaudet, to begin with the one we're not supposed to begin with—he is merely the accompanist—is superb. He is one of the finest players of the French repertory in the world today, or, truth be told (and it will take a while), ever. Seldom does a pianist of this caliber consent to participate in a song album. In addition to his obvious abilities as soloist, he proves to be an adept "collaborative artist," to use the current PC expression for "accompanist." (Such a shame: There is no shame in being an accompanist. All the best accompanists have been.)

Fleming is . . . well, simply Fleming. If you love her (and you probably should), you will love her very much in this recorded outing. She is one of the great sighers in the history of music: In song after song, she delivers sigh after sigh, laying on that portamento, unwilling to travel directly from one note to another, insisting on her slides. This is her trademark mannerism. To enjoy her singing, you must get over it, as you would a prominent blemish on an otherwise beautiful face. (Pardon the obsession of this column.)

For the most part, Fleming performs admirably. In a simple song like Fauré's "Mandoline," however, she can seem to be working too hard, and to be too aware of the gorgeousness of her own voice, this big, plush Cadillac in her possession. Her "Beau soir" (Debussy) is not very French, lacking delicacy and coolness. She is almost too lush in this music, her voice being made for Strauss. But the Strauss, accordingly, is creamy and glorious, as is the Marx (a favorite composer of Leontyne Price, whom Fleming resembles in several ways). The Rachmaninoff songs are sung beautifully, but they are also a little precious. The beauty in Rachmaninoff is a manly and unsentimental beauty, except when it is feminized and sentimentalized by those who don't know what they're doing.

Quibbles aside, *Night Songs* is an exceptionally pleasurable, almost decadent affair. It's hard to resent that.

So too is it hard to resent a live concert by **Cecilia Bartoli** and **Bryn Terfel**, the Italian mezzo-soprano and the Welsh bass-baritone. They have done a videotape (or DVD—it depends on how up-to-date you are) entitled *Cecilia & Bryn*. (With these two, no last names are needed.) The performance comes from the BBC, and it was captured at the Glyndebourne Festival, the English summer's gift to music. Here is another natural teaming: Both Bartoli and Terfel are extremely personable, their musical qualities aside (although personableness, to a degree, is a musical quality). Each singer has achieved something close to a pop standing.

In a program of arias and duets, Terfel is stylish and rich-voiced, as always. One weak point is his "Catalogue Aria" from Mozart's *Don Giovanni*, which is all too earthy, and mannered, and jokey. Perhaps he has sung it too much, and is trying to make it more "interesting" to himself. It is the Catalogue Aria, yes—Leporello's romp through the Don's little black book—but it is also Mozart,

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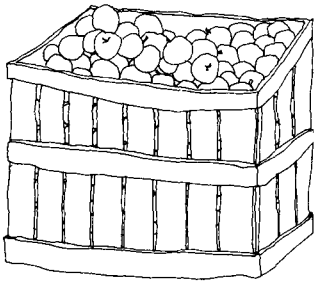
which must be the foremost consideration.

With Bartoli, as with Fleming (only more so), you simply have to accept the mannerisms: otherwise, she is unlistenable. Her technique is shaky—or, let's say, unorthodox—and she insists on doing ugly, unmusical things with her voice. She must think they lend dramatic effect. An alarming breathiness and a habit of bleating are stubbornly part of her package. In "Parto, parto," from Mozart's *Clemenza di Tito*, she is incredibly self-indulgent and un-Mozartean—but we are all resigned to that by now. Bartoli is Bartoli, and always will be, and millions adore her.



Of the duets, "Quanto amore!" from Donizetti's *Elixir of Love* is probably the most fun: frothy, comical, thrilling. But "Là ci darem," from *Don Giovanni*, is a mess, with the two singers unusually hammy, even for opera stars. They simply cripple the music, and Myung-Whun Chung, the conductor (and a fine one), does nothing about it. Can he not assert himself? But like James Levine and Zubin Mehta at one of the Three Tenors shows, he is probably taking his money and getting out of there.

Much of this program can also be found on a Decca CD, likewise called *Cecilia & Bryn*. The two are crowd-pleasers, no doubt. And that is why crowds are pleased.

We interrupt this vocal commentary for a piano CD: It comes from **Daniel Barenboim**, and it offers music of Isaac Albéniz, including that composer's masterwork, *Iberia*. Or rather, half of it: The recording, from Teldec, gives you only the first two "books" of this four-"book" piece, allotting the rest of the space to the charming but slight suite *España*. I myself would have preferred all of *Iberia*, sacrificing *España*—but I was not asked.

Iberia is immensely virtuosic and attractive music, and Barenboim does well in it. For decades now, the work has been practically owned by the Spanish pianist Alicia de Larrocha—few others have tried it, or been worth hearing in it. It's unfortunate that the better pianists tend to shy away from not only *Iberia*, but the Spanish repertory generally. De Larrocha, as a result, has had the field almost to herself. She deserves competition.

Barenboim's playing is rich and bold, reminiscent of his mentor, Artur Rubinstein (who also loved Spanish music, and did much to popularize it). His approach to *Iberia* is rather Brahmsian, but chances are that Albéniz would not object. (De Larrocha, in contrast, is saltier and more percussive—but then, everything she does is more percussive.) Barenboim has a marvelous rhythmic sense, and an excellent musical imagination. He also has plenty of technique. His playing can be a little heavy, a little clumsy; on occasion, it is not fleet and spirited enough, lacking a snap (something that de Larrocha never lacks, in Spanish pieces). And yet, he has a true feeling for this music, and not because he was born in Argentina—only because he is a real musician.

We might pause here to acknowledge, once more, the impressive versatility of this conductor/pianist: He is at home in the pit at Bayreuth, at home in this Spanish repertory, at home in American jazz—at home everywhere. Again, a real musician.

We will give the singers the finale: Perhaps the outstanding event of the entire 2000–01 season in New York was a **Verdi *Requiem*** delivered by James Levine, the Metropolitan Opera Orchestra and Chorus, and a stunning quartet of soloists, boasting **Renée Fleming**, the mezzo-soprano **Olga Borodina**, and the bass René Pape (the tenor, poor fellow, was the odd man out). Two of these soloists—Fleming and Borodina—can be found on a new CD of the *Requiem*, this time conducted by **Valery Gergiev**, with the forces of the Kirov Opera. (The two-CD set comes from Philips.) The tenor is the "crossover" sensation **Andrea Bocelli**, and the bass is **Ildebrando d'Arcangelo**.

Bocelli is the curiosity here, trying his hand at serious, indeed holy, music. It might have been smart marketing to include him, but it was dubious musicianship. Sad to say, his presence mars the recording. His tenor is underpowered and without much character. The Ingemisco—one of the most powerful and important of all tenor pieces—is sung sweetly, but in a most un-Verdian way. It is sort of crooned: the Ingemisco as folk song, or love ballad. Bocelli's is a pleasant voice, but it also has a distracting buzz in it, and is slightly pinched, not free enough, deficient in bloom.

Fleming and Borodina are both first-rate, as expected, and d'Arcangelo is solid. Gergiev, however, is up to his usual tricks—to his usual idiosyncrasies and self-willfulness. He manages to suck much of the life out of this immortal piece. The Recordare, featuring the two ladies, should be wondrous—even historic—as it was with Levine in Carnegie Hall. But under Gergiev it is sluggish, dead. So it is with another magnificent opportunity, the Lacrimosa.

Both Fleming and Borodina, two legends of their time, deserve to leave their marks in a better *Requiem* recording. They, and all who love them, must hope they get another shot. **NR**

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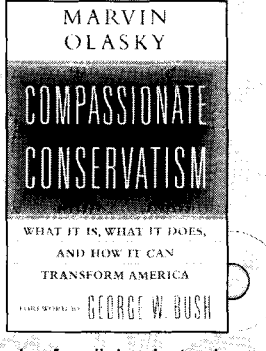

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■ CITY DESK ■

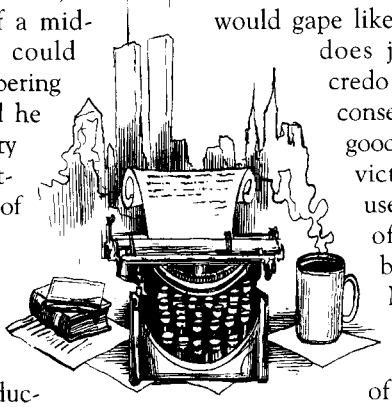
Reality Therapy

RICHARD BROOKHISER

CHICAGO is the home of the personal talk show. Phil Donahue began there; Oprah, Jenny Jones, and Jerry Springer tape there. But New York, as a national media capital, makes its own contributions to the genre.

The Montel Williams show is shot, like many other TV shows, on the West Side, among the car dealerships north of Hell's Kitchen, in a building with no pretensions. You enter a door in a plain wall, as if you were going to a consignment sale. The reception area and the green rooms occupy leftover spaces and hallways; the focus of the operation is the set. The stage has a few living-room touches—upholstered chairs, side tables. But this living room opens to a sloping bank of seats, with additional seats flanking the stage—an arena.

The host, Montel Williams, has the grace and power of a middleweight. His punches could hurt you, but he's no lumbering carcass; he can run, and he doesn't have to hide. Thirty years ago black men sported fros like the aureoles of Orthodox saints. Montel's handsome smooth head is the current thing in black hair style, and much more compelling. He is assisted by a team of producers, each one working on her own shows (most of the producers are women). They have to stay on their toes because guests cancel at the last minute, or have to be cancelled because, when they show up, their stories have suddenly changed. Even when everyone shows up and has the problems they said they have, there is no script. Three of these open-ended dramas are filmed every day. The guests on the segment I'm watching are mothers and daughters who cannot communicate with each other. They hail from the heartland—anyplace in America that doesn't produce a television show.



Montel's guests come armored in recrimination. A daughter appears and tells her story; her mother appears, with a slightly or vastly different one, and immediately the sparks fly. Montel enters these fracases like a log-splitter. A young woman, her mother, and her mother-in-law are quarreling about who should have custody of the young woman's three little boys. (The father has no say in the matter, because the young woman's husband was murdered when she was 19 years old.) Montel moves in. "There are three boys, who are hearing you three women go, *yak-yak-yak-yak*. If you keep this up, that is all they will think women do—and seventeen years from now, they will be on this show, for abusing their wives. And *don't* think I'm joking, because that *will happen*."

At certain moments, he will turn for help to an in-studio expert, in this case my wife. "Jeanne, Jeanne, Jeanne," he says, after eliciting some tale of horror, "what can we tell these people?" I've been doing gladiatorial TV since the Carter administration, but my expertise is limited to Communism and the GDP. Confronted with a question like this, I would gape like a bass. But Jeanne does just fine. Montel's credo is that actions have consequences, and that no good comes from being a victim. Jeanne is more used to psychoanalyses of five or ten years, but she also endorses Montel's assumptions.

The conventions of television produce weird moments in a taping. During the breaks, into which commercials will be dropped, Montel banters with members of the audience, to keep his and their energy up. This seems jarring after a 14-year-old girl has been telling about being raped for two years by her father, but then I reflect that it is also a courtesy: Would it be better to stare dumbly at the girl for two minutes? The weirdest moments arise from the guests' awareness, or lack of awareness, of being on television. One anxious young woman, in her mid twenties, who ran away from home when she was 15, tells Montel that she could never talk to her mother "like I'm talking to you, or"—she gestures, past the studio, to America—"to everyone." The 14-year-old, quiet as the shortest day in the year, murmurs that she kept her violation a secret because she didn't want to tell anyone about it. Montel reminds her, kindly but firmly, that she is telling millions of people right now.

Such moments of intimate exposure often bring personal talk shows into the realm of exhibitionism, and bring down on them the wrath of the censorious, usually writers who watch too much television. Walker Percy imagined a Donahue show on which John Calvin was a surprise guest, sputtering about the open discussion of abominations, while George W. S. Trow wondered whether life in America had come down to a choice between Geraldo Rivera and teenage Satanists. Anyone who watches Montel to gawk at freaks, however, will be disappointed, for his show is actually a latter-day version of *Father Knows Best*.

On *Father Knows Best*, the insurance executive played by Robert Young would come home every night and resolve his family's problems. The show was a gentle comedy because it assumed that all the viewers had or aspired to have such families, and that all their problems were turns in the highway of normal bourgeois life. Montel is an hourlong boot camp that assumes that none of the guests, nor many of the viewers, have a father who is more than a rapist or a murder victim, and that, as a result, many of their problems are catastrophic. Montel is a command-performance father who only comes home once. He can't solve all his studio family's problems in that framework, even with Jane Wyatts like my wife to help him, but he tries to get people's attention. His guests (whom he refers to therapists) might work on their problems after they head back to the republic, while his viewers, after they go on to the next show, might think about their problems differently. It would be nice to get that help without having to get it from TV, but that barn is open, that horse is gone. **NR**

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■ FILM ■

De Profundis

JOHN SIMON

NEXT to hen's teeth, remakes that surpass the original are scarcest; hence the surprise of ***The Deep End***, which improves on the renowned Max Ophuls's 1949 version, *The Reckless Moment*. Both are based on Elisabeth Sanxay Holding's 1947 novel, *The Blank Wall*, but the earlier movie's faithfully rendered heterosexual relationship is now changed into a homosexual one, making the new film a more unconventional thriller. And whereas Joan Bennett was good as the original heroine, the incumbent, Tilda Swinton, manages to be even more moving. The young filmmakers, Scott McGehee and David Siegel (I missed their one previous feature, *Suture*), have successfully challenged the old master.

The Lake Tahoe background is magisterially exploited by the cinematographer Giles Nuttgens, so that the lake and surrounding mountains, though sumptuous, do not overwhelm the mundane or sordid activities of the human beings in the foreground. Still, for a film noir to be also a film bleu like those blue-crystal waters, and a film blond like the blond-wood and plate-glass house in which most of it takes place, is a bit of a hurdle, admirably surmounted.

Margaret Hall (Swinton) is a model housewife and mother who, in the absence of her naval-officer husband on faraway sea duty, capably runs her household and family: the gifted 17-year-old musician son, Beau; a young teen daughter as good at ballet as at fixing car motors; and Dylan, a sweet little not-too-precocious boy. There is also Jack, Margaret's frail, live-in father-in-law, who proves a bit of a problem.

Trouble erupts when Beau, leaving the rural California side of the lake, gets involved on the dangerous Nevada side with Darby Reese, a sleazy Reno bar owner, in a homosexual affair. The filmmakers do not push this duality; nevertheless, it and the numerous, often dramatic, car trips between Tahoe City and Reno exert their implicit significance.

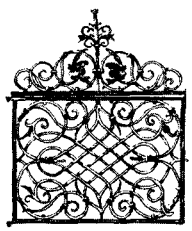
Darby dies under violent circumstances the film keeps long under wraps, and his body shows up on Hall property. Margaret is left with the grisly task of disposing of it, to protect Beau, the possible killer. Worse yet, Alek Spera, a handsome, understated blackmailer, shows up with a videocassette of Darby and Beau having sex. Darby owed Spera and his partner Nagle $50,000—to be made up by Margaret in ransom money for the cassette. The poor woman is stunned by the revelations, and also by the large sum, which she cannot draw from the joint bank account without her husband countersigning.

■

The Curse of the Jade Scorpion is neither cursed nor jaded, and has a tickle in its tail.

■

Here some fascinating psychological suggestions crop up. Alek and the older, nastier Nagle seem to have a relationship not unlike Darby and Beau's. But Alek gradually falls for Margaret: her courage, decency, and love of family. He feels filial toward her, and she maternal toward him, which echoes her profound feelings for Beau—especially after Alek endears himself by helping Margaret resuscitate Jack from a potentially fatal heart attack. If these suggested parallels, which remain inchoate, had been further dwelled upon, the thriller aspect of the movie would have been undermined, which some may feel it has been anyway.



The Alek-Margaret nexus cannot quite avoid a credibility gap, but good acting prevents its becoming a chasm. The Scottish Miss Swinton is not conventionally pretty, and does not even use much makeup. Hers is an almost masculinely hewn face, somewhat softened by abundant red hair, liquid Weimaraner eyes, and steadfast intelligence that radiates from it. As Alek, Goran Visnjic, the Yugoslav-born actor, with his provocative trace of a foreign accent, is winning as the redeemed blackmailer (the part originally played by the great James Mason).

The supporting roles are well taken, with Jonathan Tucker an excellent choice for the sensitive, sexually confused Beau. But there is some excess artiness in *The Deep End*: too many languid lap dissolves, shots involving Dylan's aquarium, and even one extreme closeup of a drop hanging from the kitchen faucet and reflecting the entering Margaret, which made me cry uncle.

With the exception of the remarkable *Crimes and Misdemeanors*, I have always preferred those Woody Allen films untroubled by pretensions to seriousness. Yet not even the farcical always works for Allen; only last year he came a cropper with the dumb and dumber *Small Time Crooks*.

Now, however, ***The Curse of the Jade Scorpion*** works handily for Allen, the writer and director, and even the formerly suspect Allen, the actor. Woody plays an insurance investigator, CW Briggs, who has done well by seemingly slapdash methods until his married boss hires as efficiency expert his mistress, Betty Ann Fitzgerald, whom he strings along with promises of divorcing his wife. Fitz (Helen Hunt) reorganizes the office in rigorous ways that infuriate Briggs, and soon the two are bitterly sparring, sarcastic enemies.

But at a group dinner at the Rainbow Room (the time is 1940), an evil hypnotist makes them act passionately in love, and implants a posthypnotic spell: At the word Constantinople, Briggs will become his obedient slave; at the word Madagascar, Betty Ann ditto. Upon waking, each will forget everything. Before that, they will become lovers again and, worse yet, will use inside information to perform untraceable robberies on the company's wealthy clients—the loot, needless to say, ending up in the magician's pockets.

What is good here is, first, the cleverly convoluted plotting, despite a hole or

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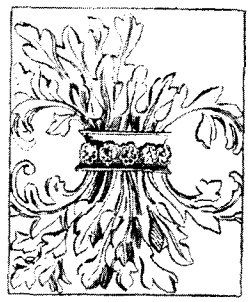
two; second, jokes not depending on one character outdumbing the other; and third, Woody no longer playing a likable worm all gorgeous women fall for—only one does here, and even she very gradually. Allen always looked prematurely wizened; now his real age has caught up with his screen persona (or vice versa), and the two merge seamlessly. A further bonus is the score, chosen as usual by Allen, and consisting of jazzy renditions of golden oldies bursting onto the soundtrack whenever mischief is afoot.

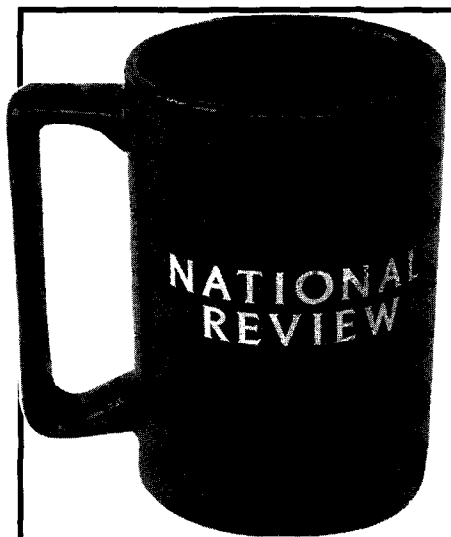


Helen Hunt is her usual savvy self; in an all-too-brief role as a rich nymphomaniac, Charlize Theron delivers handsomely, as does the no less seductive Elizabeth Berkley, as a sexy secretary. All the male roles are cast to similar perfection, with the shrewd Woody picking men fatter, shorter, or homelier than himself—the prime example, embodying all three properties, being Wallace Shawn.

Comic situations and one-liners, including some first-rate insult comedy, abound. *The Curse of the Jade Scorpion* is neither cursed nor jaded, and has not a sting but a tickle in its tail.

The much-touted ***The Others*** is a perfect waste of Nicole Kidman—acting up a splendid storm as a strict, overprotective, semi-crazed mother—and of Fionnula Flanagan, fine as her mysterious housekeeper. This ghost story begins tolerably as a *Turn of the Screw* derivative, continues annoyingly as a *Sixth Sense* clone, and ends up as a mess—defying the most elementary ghost-story rules in self-contradictions a child, but not some of our reviewers, would boggle at.

A 29-year-old Spaniard, Alejandro Amenábar, is responsible for the appalling script, the routine direction, the composition of the relentlessly bathetic score, and the thorough mishandling of the time (1945) and location (Isle of Jersey). **NR**



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■ BOOKS IN BRIEF ■

Friedrich Hayek: A Biography, by Alan Ebenstein (Palgrave, 403 pp., $29.95)

ONE of the greatest libertarian philosophers of the 20th century, Friedrich Hayek was also its most influential scourge of collectivist economic theory. After establishing his reputation with *The Road to Serfdom* (1944), Hayek popularized the Austrian School of economics, put the University of Chicago at the center of American free-market thought, and founded the Mont Pelerin Society to help make the philosophic foundations of a free society a central issue in postwar Europe. Hayek argued convincingly for what seems today a commonplace: the superiority and rightness of an economic system based upon free markets rather than government manipulation in the cause of "fairness." His influence went far toward shaping the free-market renaissance that arose in the U.S. and the U.K. during the 1980s through the efforts of Ronald Reagan and Margaret Thatcher.

Influence is one of the touchstones of Ebenstein's balanced and thoughtful biography, which is less a linear unfolding of Hayek's life than a tracing of the lives that influenced Hayek, and the lives of those whose philosophies he, in turn, helped to shape. Ebenstein gets off to a rocky start, filling his opening chapters with questionably organized facts and odd non sequiturs. But he hits his stride in the later chapters, especially his well-informed section on Hayek's *Constitution of Liberty* (1960), a work that is arguably just as important to conservative thought as the better-known *Road to Serfdom*. He also takes pains to explain Hayek's philosophical differences with much of the conservatism of his day; he was more a classic liberal—believing in the economy of the invisible hand and the freedom of the individual, including a philosophy of free inquiry—than an adherent to custom, convention, and continuity. The overall tone is one of fairness, and the author does not fail to take issue with Hayek where he believes his positions are weak. And if Ebenstein's concluding claim that "the libertarian age is at hand" is excessive, he is on target when he writes that Hayek's written canon "will serve as a beacon to enlighten centuries."

—JAMES E. PERSON JR.

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WILLIAM F. BUCKLEY JR.

Wanted: Policemen

NEW YORK, JULY 31

HOWARD SAFIR was police commissioner of New York City up until a year ago, serving under Mayor Giuliani, an old friend and confederate. His reputation was that of an enormously resourceful manager. It hadn't mattered in the least, when Giuliani offered him the job, that he had never served in any police department. Things like that don't bother professionals: If you are omnicompetent, you can handle anything. And Safir did, presiding over a crime reduction at a higher rate than anywhere in the country. He implemented the idea of specifying anti-criminal procedures with reference to local circumstances. So why, the visitor asked, are we getting this front-page news that urban police jobs are unwanted and that recruiting is down drastically? His answer was characteristically unambiguous: "You've got to be brain dead if you don't know."

The brainy caller pleaded innocent, and Mr. Safir, now an executive with ChoicePoint, a corporate security firm, explained. Policemen, he said, do not feel that they are esteemed members of the community. What is the primary reason for this? Their treatment by the press, he said.

Obviously it isn't that entirely. The mood out there, particularly in the black community, is skeptical and not objective. Safir spoke of addressing a meeting of the Urban League three years ago—"they're African-American professionals, doctors, lawyers, accountants. One member got up and said that his advice to his son, if ever accosted by a policeman, was to raise his hands up on the nearest wall, lean forward, and let the policeman do whatever he wants to do." Safir found it astonishing that most of those attending the meeting nodded in agreement.

The problem of the urban black and law enforcement has much to do with the nature and frequency of encounters with the police. "I spoke to one group of 300 black kids and asked how many had had an encounter with the police. About half of them raised their hands. I asked those with hands raised, How had that encounter been? Half of them were still sore. They walked away with a bad impression of the police."

Howard Safir emphasized, as commissioner, the need for police doing their duty to—his word—"apologize" when relevant. "Look, if there is a robbery and somebody is spotted, and the witness says it was a young black guy, or a Hispanic, about 5' 10", you go out and talk to a lot of people in the area." Those who were picked up and later released should be apologized to, said Safir, who encouraged the practice. But making headway when the media want to complain about race profiling and when Al Sharpton is sitting there—that's difficult. "Al Sharpton. Yes, I disagreed with my boss on that one. He just refused to talk to Sharpton. I'd have done it."

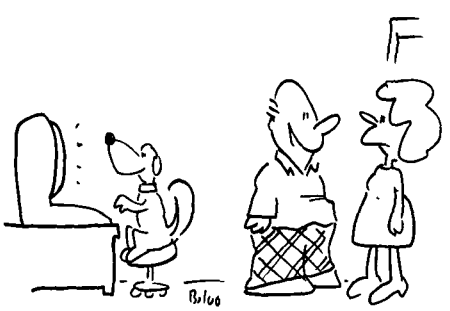
"Would that have done any good?"

"No. But he wouldn't have been able to go on saying that the New York City brass wouldn't talk to him."

Recruitment of police officers is down 50 percent and more. Efforts to recruit black policemen in New York City haven't raised the number on the force. Yes, wages are less than corresponding wages in the suburbs. And yes, in Los Angeles there are the scandals, and a reluctance of many senior officers to solicit or accept promotion, which is an invitation to head-on encounters with the media.

But mostly, says Safir, big-city police officers need to feel that the media are on their side. The story in that morning's *New York Times* ("City Police Work Losing Its Appeal and Its Veterans") told of an off-duty police chief in Seattle who, when jogging, spotted a woman in distress. He gave her mouth-to-mouth resuscitation and, delivering her to the hospital, was given hepatitis B shots. The police-news event in the evening paper was of a pedestrian injured after a police car-chase.

Well, off-duty policemen should be expected at the least to be good citizens, but if they want to live free of the emanations of Al Sharpton, they'll have to pack off, past Vieques, even.



"I don't get a newspaper any more, so I taught him to access the Drudge Report."

Two Terrorists Less?

NEW YORK, AUGUST 3

ON one day, the papers ran an obituary on an American flyer who in 1943 shot down the plane carrying Admiral Yamamoto from a Japanese base in Rabaul, New Britain. There was jubilation in America over that nice coordination of intelligence and war-making, and I remember the special glee of a 15-year-old who had quivered with indignation when the Japanese admiral a year or two earlier had broadcast that he looked forward to dictating the terms of surrender to the Americans in Washington, D.C. On the same day there was news of the Israeli helicopter attack on Nablus in the West Bank. The targets were two leaders of Hamas, and they were killed, as also four others and two boys walking past the building when the helicopters struck.

The perspectives by which the two episodes are judged have to do with civil protocols. We were at war with Japan, which meant that anything we proceeded to do, including bombing civilian centers, was okay. If we elected not to bomb the Emperor, that was because we thought him more valuable alive than dead. If there was a scruple on this matter, it was of the kind felt by heads of state. When we commissioned the assassination of Fidel Castro, in the Bobby Kennedy days, word got around that reciprocity was conceivable, and for a few hot hours after the shots fired out in Dealey Plaza, some suspected that the killer Oswald was doing the work of Fidel Castro, repaying the compliments of (failed) U.S.-led assassins.

That situation has cooled off, but hardly that of Israel and the Palestinians. But of course they are not "at war" with one another, so that the protocols do not fall quite in place when a helicopter attack singles out two Hamas leaders and incidentally kills a few others while at it. The reactions were absolutely predictable at one end: The Palestinians are enraged and

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threaten retaliation. Every now and then, after a sortie of this kind, the Israelis clam up. But not this time. The office of Prime Minister Sharon issued a statement: The doomed Hamas figures "were in the process of planning further terrorist acts." The helicopter attack was therefore preemptive. Palestinians have denied complicity in terrorism. "Jamal Mansour was arrested by the Israelis more than 13 times," one spokesman said. "They deported him to Lebanon once. That should have been enough for the Israelis to know who Jamal Mansour was. If he was Hamas military, they never would have released him."

Are these stipulations, all the way around? The Israelis charge that the victims were planning terrorist attacks, the Palestinians deny that they were terrorist-bound. If so, analysts from the outside are left to weigh the probabilities, which are that the Israeli intelligence was accurate, and that Mansour and his confederate Jamal Salim were indeed involved in the terrorist Palestinian cause, even if one wonders why Israelis didn't hang on to Mansour when they had their hands on him.

The only thing absolutely settled by the Israeli strike is the future of Mansour and Salim. The Israelis can always hope that they have got rid of two critical members of the terrorist operation. This is not likely, any more than that, after a while, we could sustain a reasonable hope that bringing in the marginal Vietcong operative would collapse the Communist effort in South Vietnam. Working for the Israelis is the counter-terrorist's ultimate card: *We know who you are, Abdul, and one of our people will visit you in due course, so say your prayers.* The Palestinians have to hope that their own terrorism will one day effectively demoralize the enemy, usher in a Quisling government, and result in the gradual disappearance of Israel as we know it today.

The United States government, which prefers to stay away from day-by-day moralizing on the Mideast 100-year war, did reproach the Israelis this time around, and the European press, as ever, is all but unanimously critical. It is left for private speculation what it is that keeps Arafat alive, beyond the seamless protective domes characteristically lived in by despots. Perhaps the Israelis bow to Machiavelli's doctrine that one should not cut off the enemy's line of retreat. On the other hand, if Arafat were to retreat, the assassin would probably be a kinsman.

Wrong-Way Corrigan Rides Again

NEW YORK, AUGUST 7

THE teeth-gnashing when the news was out about Clinton's advance was mostly by people who a) didn't think Clinton should monetize the kind of thing that made him infamous, and b) felt it was yet one more affront on the public that the price was probably right. That last isn't a learned exploration of the economics of publishing, it's just a hunch. Publishing economics—unlike what it is that brings the public to buy a book—is not inscrutable. The author's royalty is 15 percent. If Clinton's book sells for $30, he makes $4.50 from every sale. Times a thousand, that's $4,500. Times 100,000, that's $450,000. So he'd have to sell 24 x 100,000 to earn the estimated $10 million advance. Well, that's not going to happen, but great chunks can be got from foreign sales, magazines, book clubs, paperback editions. Alfred A. Knopf, Inc., is stretching it, but they're rich, rich Germans own them, and a sister publisher already paid $8 million for Hillary—why not a little competition at the bookstore?

The extra-economic resentment has to do with a wobbly extension of the federal rule that you are not allowed to profit from a crime. The Army doctor who killed his pregnant wife and two children wrote a commercial book, the proceeds from which were sequestered. But Bill didn't commit a crime, of the kind the good guys string you up for. What happened was that the good guys tried just that, and he got away with it, and for a couple of years continued popping about the world visiting kings and queens and prime ministers—but let the incomparable Margaret Carlson tell it, as she does in *Time* magazine this week: "How many times can the comeback kid come back? As many times as he needs to. Last week Bill Clinton emerged from his self-imposed post-pardon-scandal exile. . . . It was full-frontal Clinton—winking, mugging at the most mundane remarks, pointing excitedly into the crowd as if he had just spotted a long-lost friend or a donor. It was picture perfect, a routine ribbon cutting turned into exuberant street carnival. Cable dropped its split-screen coverage of Clinton alongside the current President giving a speech, and went with full-screen coverage of an ex-President opening an office. The *New York Times*'s headline the next day: A HERO'S WELCOME."

That's what makes Clinton's book worth Madonna-size money. Drab statesmen like Woodrow Wilson and Herbert Hoover just didn't do the kind of thing that turns an office opening in Harlem into a jamboree. Mr. Clinton is deprived: "Sure, it's hard to give up traffic control and Air Force One. But he makes himself a movable feast, providing sidewalk entertainment to a surprised group of rock fans waiting for the Dave Matthews Band in front of the Rihga Royal hotel. A frequent sight on the New York-to-Washington shuttle, where the prevailing ethic is no eye contact, Clinton works the aisles until forced to take his seat."

A recent essay in *The New Yorker* did not mention Clinton's name but did talk about the conventions that Clinton so joyously violates. In modern urban life "congestion is the expected condition of everything. There is an attitude, widely adopted, for coping with this condition. The attitude is: Other people don't exist." The author, Louis Menand, gives examples. "Cars bunch up along the highway, maneuvering in and out of each other's lanes, without their drivers ever making eye contact. People chatter away on their cell phones in front of strangers as if they were alone in their kitchens." How strange these conventions for Clinton! "Americans now behave in public places the way New Yorkers have always behaved in the subway: they carefully keep one inch of space between themselves and all adjacent bodies, and stare blankly into the middle distance. . . . The more crowded life gets, the more insulated people make themselves, as though they were traveling around in invisible S.U.V.s."

Bill Clinton gives off the sparkle of an enduring American model, the guy who got away with it and is quite prepared to forgive those Americans who were party poops. He is our Wrong-Way Corrigan. He was the jaunty aviator who in 1938, against strict orders, flew singehanded his dream flight, New York to Dublin. Accosted on his return by outraged officials, he excused himself by saying visibility was bad and he thought he had been flying toward Los Angeles, not Dublin.

Deny somebody like that public acclaim? No, give him a wad of money and wave at all those solipsists in the streets and in crowded airplanes. It's a great life!

—UNIVERSAL PRESS SYNDICATE

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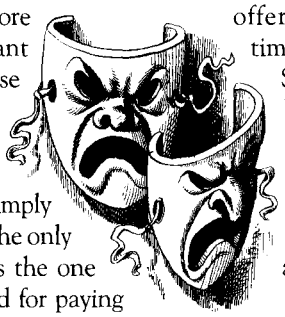
■ THE MISANTHROPE'S CORNER ■

FLORENCE KING

Be forewarned: I'm in a foul mood. America has gotten to me again.

I'm sick of "choices." If one more corporate entity offers me a "choice" between this plan and that plan, I'm going to take to the woods like Thoreau. I don't want to be a "savvy consumer," I don't want to "shop around," I don't want to "do my homework." I don't want to be bothered counting up "smart minutes," "bonus hours," and "saver miles." I don't want rebates, whether in-store or mail-in, and I don't want extended warranties, because that means enduring the clerk's painful memorized recitation. I just want to buy what I need as quickly and simply as possible and then leave. The only discount I'm interested in is the one that was traditionally offered for paying cash, but just try and find it today. It's the only savvy consumer option nobody has ever heard of. If you want to pay cash now, they think you're a drug dealer.



Overcomplicated merchandising originated with airline deregulation. To compete for customers, they offered reduced fares if you embarked at 4 A.M. on odd-numbered Thursdays, stayed 11 days, and returned on even-numbered Tuesdays, but that was child's play compared to the higher mathematics now required to figure out ostensible savings. Take the ad I saw the other day for cell phones. They're offering "Whenever Minutes." You get 2000 Neighborhood Weekend minutes and 600 Nationwide Whenever Minutes, provided—it says in the tiny print at the bottom—you have the right number of plan minutes, promotional minutes, and—my favorite—"roaming charges."

Invariably, as with all tiny print, it also says "coverage not available in all areas" and "additional restrictions may apply." So who among us can figure out what it all means? I'll tell you who: our old friends, the Ignos. It stands to reason that the dumbest people in the country are the ones who have what it takes to plow through all the general-services agreements and consumer pricing plans tucked into our utility bills and bank statements. Only Ignos could read, really read, this stuff and understand what it says, which is one big reason why they never read anything else: A day contains only 24 hours, and savvy consumerism consumes all of it, precluding any other form of knowledge. By now it's second nature. Say "Stonehenge" to an Igno and he will assume it's a new security system with a super introductory offer: Change the locks three times a year on even-numbered Saturdays because you give keys to lovers who turn out to be psychopaths, and you get a discount on replacement sets and ten points toward a free "Rape of the Lock" stalker alarm.

Nothing reinforces my confidence like a stuffy bank, but try and find one nowadays. Mine recently introduced a supposedly select, benefit-laden account for depositors who maintain a certain balance. The only perks that appealed to me were free checks and an extra quarter-point of interest on savings. Since I don't use plastic I was neutral about the credit-card and ATM benefits, but the other come-ons made my stomach knot up: discounts at 3,000 hotels, discount cruises, discount tours, a 24-hour discount travel agency, discount theater tickets, free home-shopping services, extended purchase warranties, and cut-rate eyeglasses.

As I read the brochure I tried to imagine who would be tempted by all those hotels and the we-never-close travel agency. Only a retired dromomaniac with accumulated bonus roaming charges could possibly do justice to them. Or maybe the protagonist of Edward Everett Hale's "The Man Without a Country." Or maybe the half-mad Empress Elisabeth of Austria, the time she took a notion to search the Mediterranean for Andromeda's rock.

I wrote the bank a letter complaining about their breathless sales pitch, saying in part: "I submit that I am not alone in my reaction. Most people won't admit it because they're afraid of being called stuffy, but they feel disturbed when banks go in for such things. This is why cartoons showing bank customers laden with free toasters and dishes are effective: People laugh at what secretly bothers them."

I also proposed a bona fide gilt-edged account, one requiring a really hefty balance, that would offer free checks and bonus interest, but which would let customers negotiate other perks so that those wanting few or none could trade them for more bonus interest.

They replied that they would pass along my proposal to "Product research and development," and include me in the focus group if they decided to do it. I doubt they will. My proposal smacks of elitism and may even be illegal. Under the rules of American logic, a gilt-edged account must be "accessible" to all, otherwise a bank might get slapped with a poor people's class-action suit for not offering free safe-deposit boxes to those who have nothing to put in them.

Taking care of one's affairs used to be simple and reassuringly familiar. There was the The Phone Company, The Light Company (which people used to call the electric company in pre-appliance days), and The Gas Company, but now all the mergers and buyouts have given them specific names that keep changing. It's like getting utilities from Liz Taylor. Gone is the old sense of "thereness." The ingrained errand known as "going downtown and paying the bills" has been rerouted to a galactic stratosphere where easy-to-remember 800 numbers all sound alike and behavior is governed by the 11th and 12th Commandments: "Thou shalt visit our website" and "Thou shalt press the pound sign."

America, once the land of the one-price store, now has the feel of a Turkish bazaar spilling over with bolts of garish cloth and glass beads, echoing with little brass bells and tinny pipes, teeming with hucksters alternately screeching and cajoling as they urge us to dicker constantly over the price of everything amid an atmosphere previously associated with words like Araby and Cathay. "In Xanadu did Kubla Khan a Shoney's discount plan decree . . ."

Note to Ignos: Don't try that last sentence at home. **NR**

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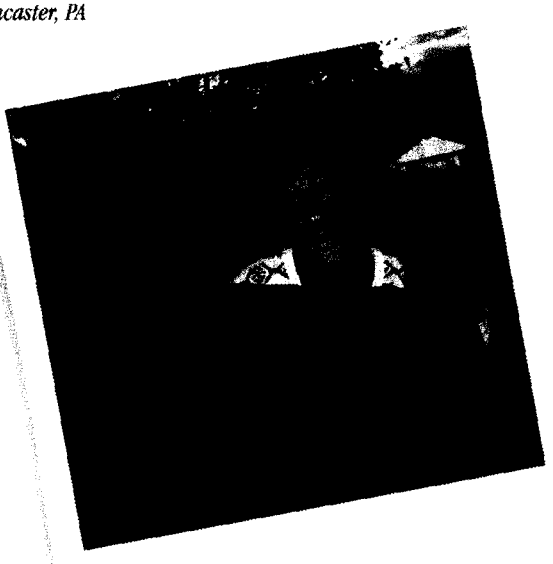

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